



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 17, 2026
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- August 6, 2026 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Proclamation - Acknowledging Dr. Dottie Morris for her Years of Service to Keene State College, the City of Keene Human Rights Committee, and the Community
2. Proclamation - Adult Education and Family Literacy Week
3. Public Hearing - Resolution R-2026-37: Relating to the Alteration of Thompson Road
4. Public Hearing - Community Development Block Grant Mid-Grant Hearings:
 - Keene Housing, Roosevelt West Housing Project
 - Cedarcrest Center Planning Grant

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Human Rights Committee

C. COMMUNICATIONS

1. Michael Guitard/Guitard Homes LLC - Petition for City Ownership of Water and Sewer Infrastructure - Cottage Court Community on Court Street
2. Duncan Hilchey and Amy Christian - Request for a Traffic Study and Safety Assessment of School Street

3. John T. Newcombe - Resignation - Board of Assessors
4. Councilor Jones - Central Square Pedestrian Access During the 2026 Keene Pumpkin Festival
5. Shawn Voisine/Elmside LLC - Request for Waiver of City Public Utilities Standards for Water Metering Infrastructure - Elmside Cottage Court

D. REPORTS - COUNCIL COMMITTEES

1. Councilor Filiault - Request for Consideration of an Ordinance Amendment Regulating Dogs at Downtown Events *and* Paul Allen-Webber - Request to Reconsider Ordinance O-2004-15-A Section (e) Regarding Dog Restrictions During the Pumpkin Festival
2. Councilor Jones - Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities
3. FY25 Audited Financial Statements Presentation - CBIZ CPAs, P.C.
4. Warren Steinberg - Request for Temporary Free Parking within Active Downtown Construction Zones
5. Acceptance of NH Juvenile Court Diversion Network Funding - Youth Services Manager
6. FY26 DOJ Byrne Justice Assistance Grant (JAG) Program Award - Police Captain
7. Acceptance of FAA/NHDOT Grant Funding – Wildlife Perimeter Fence Phase II Construction - Airport Director
8. Carry Forward Request - 2026 Unspent Wages - to Support Two One-time Community Development Department Expenditures - Community Development Director
9. 2025 Hazmat Equipment Grant - Period of Performance Extension - Fire Chief
10. FY28 Ambulance Replacement - Fire Chief
11. LWCF Grant Round 33 Amendment - Skate Park - Deputy City Manager
12. Relating to the Execution of an Agreement with KeyNetGPS - City Engineer
13. Relating to the Execution of a Change Order with Structural Preservation Services - City Engineer
14. Sale of Surplus Mechanical Ventilators - Fire Chief

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Proposed Amendments to the Keene Community Power Plan - Community Development

G. REPORTS - BOARDS AND COMMISSIONS

1. Proposed Amendments to the Keene Community Power Program — Energy & Climate Committee

H. REPORTS - MORE TIME

1. Councilor Williams – Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Amendments to Article VII. - Food Service Establishments Ordinance O-2026-14

K. RESOLUTIONS

1. Relating to the Appropriation of funds for the Marlboro Street & Cheshire Rail Trail Improvements Project
Resolution R-2026-40

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, August 6, 2026. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:02 PM. Roll called: Randy L. Filiault, Michele A. Chalice, Catherine I. Workman, Bryan J. Lake, Jacob R. Favolise, Laura E. Tobin, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Bettina A. Chadbourne, Laura E. Ruttle-Miller, Molly V. Ellis, Thomas F. Powers, and Mitchell H. Greenwald were present. Edward J. Haas was absent. Councilor Ruttle-Miller led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the July 16, 2026 minutes was duly seconded by Councilor Powers. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

ANNOUNCEMENTS

Mayor Kahn recognized Councilors Roberts, Powers, and Lake, who all celebrated August birthdays.

The Mayor announced upcoming dates of interest in August 2026 and early September 2026:

- August 8, 2026 from 12:00 PM to 8:00 PM: JamFest at The Colonial Theatre/Commercial Street Parking Lot. They are coming back to the Keene area after some years in other communities. Mayor Kahn welcomed them back and thanked The Colonial for hosting.
- August 9, 2026: The Sri Chinmoy Oneness-Home Peace Run, an international torch relay promoting peace and harmony, will pass through Keene in the mid-afternoon. The Mayor suggested meeting at 1:00 PM at Central Square as the time was not confirmed. The event celebrates goodwill and mutual respect, while giving participants an opportunity to share their hopes for a more peaceful world. If Councilors have that opportunity to greet folks on Sunday afternoon, Mayor Kahn asked them to please take advantage of that; they may be meeting some people from foreign countries and maybe some from outside of our region as well, so he called it a good opportunity.
- August 15, 2026 from 11:00 AM to 12:30 PM, followed by a Walldogs Mural tour until 2:00 PM: Dr. Albert Johnston Historic Marker Unveiling at 127 Washington Street. This is Keene's first dedication on the Black Heritage Trail
 - The Monadnock Diversity, Equity, Inclusion, and Belonging organization has been nominated and earned the designation of a Doctor Albert Johnson Historic Marker and that will be unveiled at 127 Washington St. Following this presentation, which includes a tour of some artifacts that the family has left in Keene, there will be a tour down to the Walldogs mural sometime between 12:30 and 2:00 PM. Mayor Kahn called this a real proud moment for the City of Keene, as its first stop on the Black Heritage Trail, which has designations throughout the State of New Hampshire. He called it a proud moment to recognize a good family and person; the family members will be present, and this is not their first time back in Keene, so they really have a connection to the City.
- August 18, 2026 from 4:00 PM to 7:00 PM: Community Night at 350 Marlboro Street. Everyone was encouraged to join. Every department helps make this event more

engaging and gives residents a chance to learn about the people and services that keep Keene running:

- Festivities will include Touch-A-Truck, other family-friendly activities, and a BBQ at no cost to the public. It is always a good opportunity for residents to learn about our City departments and the people and the services that are provided by the City to the public.
- August 29, 2026 at 9:00 AM: Community Kitchen's Walk to Squash Hunger. Mayor Kahn encouraged making it a community wide activity
- September 5, 2026:
 - 11:00 AM to 10:00 PM: Keene Music Festival
 - 10:00 AM: Art in the Park at Ashuelot River Park
- September 15, 2026 from 5:30 PM to 7 PM: Robinhood Park design public input session on the park (not the pool) would be held at the Keene Recreation Center
- September 8, 2026 from 8:00 AM to 7:00 PM: State Primary Election. Individuals were encouraged to make plan, to visit City Clerk's webpage for any additional information that they might need relative to voter registration, and to remember to bring a valid ID

The Mayor provided a reminder that Council break would be starting after tonight's Council meeting and extend through Labor Day on September 7, 2026. The Council would return from break with meetings of the Planning, Licenses and Development Committee on September 9, 2026 and Finance, Organization and Personnel Committee on September 10, 2026.

Mayor Kahn provided some thanks for the Monadnock 250 celebration. It brought out more people than he had ever seen for a parade and festival in the City of Keene, maybe barring a Pumpkin Festival. He extended his sincere appreciation to the many individuals and organizations whose hard work and dedication made the Monadnock 250 Celebration and Fourth of July Parade such a tremendous success. He gave a special shout out to the chairperson and City Councilor, Molly Ellis, for her leadership. The Mayor said it took someone at the lead to gather all the thoughts that many people contributed to the event, and ultimately vet those ideas, and put them together to make the event work. Mayor Kahn commented on all the other people who contributed, noting that Councilor Ellis held a thank you for members of the Committee. The Mayor wanted to shout out to those members:

- Ben Hays: a student at Keene High School who was the tech and website developer, and always answered the call to put together a nice script for the public to easily get engaged
- Councilor Ed Haas, who coordinated the bicycle ride with kids and their families
- Janelle Sartorio, who coordinated the 4 on the 4th event with Pathways for Keene and made sure that we were not duplicating expenses across organizations
- Jay House with Arts Alive, who did a lot of publicity work
- Jenna Carol from the Historical Society of Cheshire County, which was the fiduciary agent and handled all the bill paying, as well as just participated in the day and the lead up to the day when the Historical Society of Wyman Tavern could be open to the public and organized programs through the Historical Society
- Justin Somma, who was the voice of downtown Keene and merchants during the festival and the lead up
- Keith Marks and The Colonial Theatre, who opened up the theatre for *The Sandlot* movie showing and a cooling spot for people who needed it that day

- Kelsey Milden, who helped Kürt Blomquist. Mr. Blomquist was so important; his experience with parades and organizing closures of our streets for festivals was irreplaceable. Ms. Milden was an assistant for him with that.
- Kristen Noonan, who represented a major donor to the overall planning but also brought additional Savings Bank of Walpole volunteers into the work. He called her a real contributor.
- Kevin Watterson and the Keene Swamp Bats, who were present for the parade and did a great fireworks show in advance and helped with publicity coordination
- Mark Rebillard for the Keene Downtown Group, which was the sponsoring organization for the license
- Mike Prince and other Keene High School students who helped organize the vendors for the day
- Nancy Howard, who brought the Daughters of American Revolution into the festival and provided a voice for entertainment
- Keith Thibault, who joined and participated in organizing the Parade
- Terry Clark was the connection to Cheshire County and other municipalities in the region who participated in this event, and he cleared the way for this date to not have too many conflicts with other towns
- Sean Burke at The Keene Sentinel was valuable in helping with the design of the logo and placing ads in The Sentinel
- The Mayor was glad he could help with publicity and fundraising for the event
- Mayor Kahn recognized the outstanding efforts of the Public Works Department, whose staff worked behind the scenes to prepare for and support the event, with special thanks to Dan Mooney, Public Works Highway Foreman, for his leadership and coordination
- Finally, thank you to the Keene High School Youth Council for their enthusiasm, volunteer spirit, and contributions to making this community celebration a success reading the Declaration of Independence

Mayor Kahn noted that David Tubner, a videographer in the City of Keene, posted a 12-minute recap of the parade on YouTube. The Mayor called it great and had reached out to Mr. Tubner to try getting a copy of it for the City's archives and to place it at the Historical Society of Cheshire County. The Mayor said we want to commemorate this event and this video is a fitting tribute to our shared history in our community, in our nation, and an event that no doubt people in Keene will remember for years and hopefully 50 years for those who are around to try to replicate and surpass the efforts of 2026. He thanked everyone for their participation and thanked Councilor Ellis again.

PROCLAMATION – FIRST RESPONDERS

Mayor Kahn welcomed Jim Coppa and Jimmy Tempesta, organizers of Keene First Responders Appreciation Day, which they organize with the various emergency response departments throughout the County (this year the event is on August 8, 2026, and is open to the public, and is being held at Keene Alumni Field). The Mayor read into the record and presented Mr. Coppa and Mr. Tempesta with copies of a Proclamation declaring August 16, 2026 as First Responder Appreciation Day in Keene and encouraged all residents to recognize and celebrate the

dedication and service of the Monadnock Region's first responders to our communities. He thanked Mr. Coppa and Mr. Tempesta.

Mr. Tempesta called this a great honor. He said this was not about this Proclamation; it is about what they are doing for the community and the people. It just amazes him that these first responders get up every day, put on their uniforms, and go out to protect us and help to save us. He said they really need recognition and this is a way to give back to them. He mentioned the dinner at his restaurant that was held for the first responders and their families. He said it is nice to see them all come together because they are all family. Mr. Tempesta thought it was amazing that the City was recognizing him and Jim Coppo for this and he could not thank the Council enough, stating that it meant a lot and would make him try even harder now that everyone was recognizing this.

Mr. Coppo thanked the Mayor for having them here for this Proclamation, stating that it meant an awful lot. He remembered the first day four years prior when they first tried to pull this off and said it had gotten bigger and bigger since. He said this is a blue carpet event for law enforcement and their families and is a special event to them. It includes the firefighters, police officers, EMTs, and the emergency service people. He said they come and have the time of their lives, and they get to see the public appreciate them. More importantly, the public gets to see them on a different level and a different note. Mr. Coppo said he and Mr. Tempesta have the time of their lives, are privileged to do this, and could not do it without the Council. He thanked the Council for having them here.

PRESENTATION - CITY-WIDE REVALUATION - CITY ASSESSOR

Mayor Kahn welcomed City Assessor Dan Langille for a presentation on the Citywide revaluation. Mr. Langille introduced Steve Whalen, who works with Vision Government Solutions, who was the contractor for this project. Mr. Langille was sure the Council had been anticipating that they had been hard at work doing revaluations over the past year and now they were taking the important step of getting the public involved and providing them with their updated values. Before doing that, he wanted to give the Council an update on what had been done. Mayor Kahn noted that Councilors had reference materials on their desks, which the public would have access to after this presentation.

Mr. Langille began with an introduction and background on what revaluation is. It is the process of assessing all the property in Keene to reflect the current market value as of a certain date. In New Hampshire, that was April 1, 2026. He explained that they do this by a process called Mass Appraisal, where they value groups of property using common data, standardized methods, and statistical testing. He said most people are probably more familiar with a single property appraisal, when you buy a home or get a remortgage—your house is compared to three or four comparables. In this case, the City does that on a much larger scale for the entire community, looking at hundreds of sales and various data points and then apply that equally amongst all the properties in the City. Last time this was done was 2021, and so when people see their tax bill now, that value is much lower than what a house is selling for today because that reflects the market of 2021. So, he said it is not really an adjustment over one year, it is really an adjustment

over five years. Mr. Langille said it would be a significant increase over that time and that was why there was such a large adjustment.

Next, Mr. Langille explained that there are benefits of doing the revaluation. The City is required by the State of New Hampshire to do a revaluation every five years, and the City is required to assess property at full market value. He said there are good reasons to do this: because we are setting values as of a certain date, over time the market continues to fluctuate, there are different economic factors, there are market forces at play, and so over time, the value of your property or value of certain properties may rise higher or lower than others. So, he said the City's responsibility is to make them all at the same level: to bring everybody at the same market level. When this exists, this is how the City provides an equal and fair tax burden according to the state law. The other real benefit of doing a revaluation that Mr. Langille thinks is important is this is a public process and there is transparency. He said if you are getting a large tax bill once or twice a year, it is important to know how the City came up with that value and what that money is going toward.

Mr. Langille noted that one of the first steps in the revaluation is the data collection process. This is something that is ongoing for the Assessing Department; they are always looking at building permits, properties that have sold, and have an ongoing data verification process that they have started. They are looking at every property regardless of whether it is sold or has a building permit just to make sure the data is up to date. For the revaluation specifically, the Assessing Department had been inspecting sales over a two-year period, during which time there had been hundreds of them. For commercial properties, they send out questionnaires looking for income and expense information. They are not really interested in what a business makes but are interested in the value of real estate. So, they look at what they get for rent, what their operating costs are, and what capital is and capitalization rates are. He said they did get some responses for that. The Department also looks at other public sources that have multiple listing services, and research vacancy rates and capitalization rates. So, the Assessing Department was taking any source of data that it could from anywhere it could.

Next, Mr. Langille summarized the market analysis and valuation, stating this is where most of the work happens. There are three approaches to value what they look at. They look at the sales approach, which is the one most people are familiar with; this is looking at what properties are selling and making comparisons to other properties that are like it. There is also the income approach, and this is used more for commercial properties; this is where they look at how much it takes to operate, upkeep, and get a return on investment on commercial property. The third is a cost approach, which is not used much, but Mr. Langille said they do look at replacement cost, depreciation, and land value. He said that is more useful for newer homes.

As Mr. Langille mentioned, they do an in-depth study of the City sales over two years and break that out into many different strata, looking at different styles, conditions, quality, location, and neighborhoods. We start by breaking that down into various tables and adjustments and they do a similar kind of analysis for income and expenses. From the building and land values, they make different adjustments for location; location is a huge factor in a properties value. Then, they look at our building values, starting with building overall costs, and then adjust for things like bedrooms, bathrooms, quality, its condition, etc. When they are doing this, they create computer

models so they can then apply all these adjustments equally and uniformly across the entire City. There is also statistical testing. Additionally, they review all the values in the field, making sure that our values are reasonable, and that the data is correct.

Mr. Langille noted that there are often comments such as “how did we come up with this value,” but he said the City is not doing that, it is simply analyzing the market. The City is more of a historian, reflecting on what the market is doing and is using those adjustments to determine what a property is worth. Different types of properties are obviously changing in value at different rates: supply, demand, economic forces, and more cause a property to increase or decrease at a different rate than another type of property. Last, he said it was important to say that the City was going to have some significant increases but Keene was not alone; every community that was doing revaluation this year in the State of New Hampshire and probably even New England was in a very similar situation.

Mr. Langille explained the preliminary changes for 2026. For the residential side, he cited a median increase of about 67% (some will be higher/lower), with multifamily averaging 68% increase in value. Condominiums averaging 64% increase in value. And, manufactured homes increasing in value up to 140%. He called this a continuation of the low supply of housing, low supply of affordable housing, and the resulting demand. He also displayed the median assessments to show where the City was in 2021 compared to now, which he thought was interesting. For example, the median assessment for manufactured housing in 2021 was \$37,200 and now in 2026 it is \$97,800. He also cited significant increases on the commercial side, with increases to apartments at 49%, to commercial in general at 31%, and industrial at 29%. He did not include the medians because the ranges were so wide (e.g., apartment buildings worth \$500,000 or up to \$18 million), so he said the median did not really tell a story there. Mr. Langille said to keep in mind that there was some building permits included in some of these rates. So, for the manufactured home, they had been seeing a lot of older units pulled out of the park and newer units come in. In that case a home that was valued at \$30,000 is replaced with a model from \$100,000 to \$450,000 and that skews the ratio a bit.

Mr. Langille addressed how this would affect property taxes. He said the City does not want to take any more or less because of this. The City does not have some big windfall that it now determines what it can spend. He reminded us that the City collects money on the tax bills for the schools, the County, and the City. He recalled a couple of months prior, when the City Council determined the budget for the City; and at that time, the City was predicting an increase in the overall taxes. Mr. Langille said revaluation did not erase that. There would still be an increase when someone gets their property tax bill. Revaluation is going to maybe add or take away depending on the property on top of that. Mr. Langille said it is important not to multiply your new value by your current tax rate as it will result in a very large and incorrect number. Unfortunately, he said the City does not yet know what that new rate will be because that will be set by the Department of Revenue in the fall of 2026. There are still several variables remaining: final revenue sources for the year, finalized values, utility values, and more. He believed the tax rate was estimated to be around \$37 (per \$1,000 of value) at budget time. He cited well over \$1.2 billion in new taxable value. So, he said it would not be unreasonable for the tax rate to be in the mid to low \$20s again, but he could not confirm what it would come out to be. He said this is

why the City increased exemptions and credits this past year by about 65%. That was trying to keep them in line with what Mr. Langille was seeing for at least the residential side.

Mr. Whalen discussed the next step: the informal hearing process. He said that once someone receives their letter in the mail with the new value, they would have multiple options to make an appointment. If they do not agree with the value, there will be a website included in the letter and you can log on to the website and either make a phone appointment or an in-person appointment through that website. That website is available 24 hours per day, seven days per week. If you do not have a computer or do not want to do it that way, there will be an 800-number, and you can call the call center and decide if it is more convenient to make a phone appointment or an in-person appointment. Once you have an appointment, you can come in and review how the process worked and even review the information on your property record card, which is also available on the website; you can look at information on your property or any other property in the City. Once they have the hearings, they will send everybody that had a hearing a new valuation letter and that is the end of the hearings. If, for example, they find an issue with a condominium but someone in that building did not come in for a hearing, everyone in that condominium would be adjusted whether they came in or not. Once they send out the new revaluation letter, there will be an opportunity to appeal further through the City.

Mr. Langille added that it is only necessary to attend an informal hearing if you feel it is necessary or if you are really interested more in what happened. He said to ask yourself, “let’s look at that value and put the taxes aside for a minute and say, ‘does this value reflect what I could sell it for, or what my neighbors sold their house for recently?’” He said if the value looks correct and your information is correct then you do not necessarily need an appointment. If you have concerns, then by all means, they want to hear from the public. Something members of the public can do is review sales again: look at what has been selling out there, look at what has been selling in your neighborhoods. You can use the City website. There are ways to look up sales that way. Contact the Assessing Office: Mr. Langille can help anybody through that. You can also review similar properties in your neighborhood with their new assessments. Are you making sure there is equity there? All that information is going to be available. Finally, he likes to tell everyone that it is always important to review your information. It is available online. If there are any discrepancies, please call the Assessing Department: they would be happy to come out, look at your house and property, and make any necessary changes. They want the assessments to be accurate. Mr. Langille expected the public informal hearings to go for several weeks until everyone has an ample opportunity to join one if they want to. He was expecting to be able to finalize the values by mid-September 2026 and to finalize the utility values by the end of September. The new tax rate would come out in November 2026, and these values would be used for the final tax bill of the year with a new tax rate.

Councilor Favolise commented on the 67% increase for a single-family home and noted that those numbers across the board seemed fairly large to him. He asked the City Assessor to talk about how that compares to past five-year cycles. Mr. Langille stated that he would speak to the 2021 revaluation because it was fresher in his mind. At that point in 2021, we were grappling with the COVID pandemic and there was a lot of panic, so there was a pretty good jump at that time. He believed the housing market at that time increased about 30% and there were a lot of unknowns with the commercial market and more. He thought the commercial properties

probably went up 10% at that point. He said it had been a pretty steady pattern and ever since he had been doing this that the residential property value increases outpace the commercial property value increases and you are constantly seeing a tax shift from your commercial base over to the residential side just in the market that we are in.

Councilor Chalice said these are complicated numbers for the public in general. She asked if the Assessing Department would be providing a Frequently Asked Questions (e.g., how to log into the website) that Councilors could have on hand when they get questions from their constituents to help them navigate these initial questions and maybe calm some fears in the process. Mr. Langille said the City did that in 2021 and the Department would be refreshing those on the Department website to prioritize some guidance, so he would take that into consideration.

Councilor Jones thanked the presenters. He recalled that during the 2021 revaluation, there was a big decline in commercial/industrial, which Mr. Langille had explained earlier that more responsibility is placed on the residential. He was seeing in the current revaluation that commercial was going up 31% and industrial 29%, which he still called better than in 2021. Mr. Langille agreed that he recalled an approximate 10% decrease in 2021. He said those categories were reacting a little bit differently in this market: small-to-mid-size office spaces were doing fairly well, and apartments were doing very well. He said large office buildings were seeing a little more difficulty with this economy and business work today; they are not as valuable as they once were. He said it was similar with having a hard time attracting large industrial buildings. Councilor Jones called it a sign of the times.

Mayor Kahn thanked the presenters. He wanted to ask the total valuation for the City, noting it had been at \$2.2 billion since 2021. Obviously, he said it was going to go up, but Mr. Langille explained that the utility valuations were not yet included, so the Mayor saved his question for the upcoming fact sheet.

REPORT - RESIGNATION - DOTTIE MORRIS - HUMAN RIGHTS COMMITTEE

A memorandum was read from Youth Services Manager/JCC Coordinator Alyssa Bender, recommending that the Council accept the resignation of Dottie Morris from the Human Rights Committee with gratitude for her years of service. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Powers. The motion carried unanimously with 14 Councilors present and voting in favor.

NOMINATION – HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated Julie Odato to change from an Alternate to a Regular member of the Human Rights Committee, with a term to expire December 31, 2028. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION - PAUL ALLEN-WEBBER - REQUEST TO REEVALUATE DOG RESTRICTIONS DURING THE PUMPKIN FESTIVAL

A communication was received from Paul Allen-Webber, requesting the City Council consider removing dog restrictions during the Pumpkin Festival from the City Code of Ordinances. He asks that the City instead focuses on enforcing standard leashing and behavior rules, allowing responsible local pet owners and visitors to enjoy the City of Keene year-round. Mayor Kahn referred the communication to the September 9, 2026 Planning, Licenses and Development Committee meeting.

COMMUNICATION - KENNETH KOST - REQUEST FOR A COMPREHENSIVE PLANNING STUDY OF THE GILBO AVENUE SITE PRIOR TO SOLAR PAVILION DEVELOPMENT

A communication was received from Kenneth Kost requesting that the City conduct a comprehensive planning study of the 1.9-acre Gilbo Avenue site before finalizing the layout of the solar pavilion. Mayor Kahn referred the communication to the September 23, 2026 Municipal Services, Facilities and Infrastructure Committee meeting.

COMMUNICATION - WARREN STEINBERG - REQUEST FOR TEMPORARY FREE PARKING WITHIN ACTIVE DOWNTOWN CONSTRUCTION ZONES

A communication was received from Warren Steinberg, requesting that the City Council consider adopting a temporary free parking policy for all public parking spaces located within an active downtown construction area during the current downtown infrastructure project. He further comments that he believes this request is consistent with Resolution R-2015-11, the City Council Policy Relating to Free Parking. Mayor Kahn referred the communication to the September 10, 2026 Finance, Organization and Personnel Committee meeting.

COMMUNICATION - COUNCILOR JONES - REQUEST FOR CONSIDERATION OF AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTERS AND CRYPTOCURRENCY MINING FACILITIES

A communication was received from Councilor Philip Jones, formally requesting that the City Council direct the appropriate staff and committees to draft an ordinance establishing a temporary, two-year moratorium on the construction, development, and operation of Data Centers and Cryptocurrency Mining Centers within the City of Keene. He reasons that a two-year moratorium will grant our City the necessary time to gain a comprehensive, transparent, and proactive understanding of these intensive industries before they establish a permanent footprint in our community. Mayor Kahn referred the communication to the September 9, 2026 Planning, Licenses and Development Committee meeting.

COMMUNICATION - COUNCILOR TOBIN - REQUEST FOR ROADWAY SAFETY ACTION PLAN UPDATE

A communication was received from Councilor Laura Tobin, requesting that City staff present the annual Roadway Safety Action Plan update to the Municipal Services, Facilities and Infrastructure Committee, consistent with the Plan's annual reporting provisions. Mayor Kahn noted that this communication was already referred to the September 23, 2026 Municipal

Services, Facilities and Infrastructure Committee Meeting during the previous Council Meeting of July 16, 2026.

MSFI REPORT - ROBIN HOOD PARK RENOVATION - CHA PHASE 1 PRESENTATION - PARKS & RECREATION DIRECTOR

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the City Council approve the final design of the project and authorize the City Manager to do all things necessary to bid and construct that design, as recommended by City staff and the City's consultant engineer, CHA. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman.

Mayor Kahn recalled that further public input on the remaining designs would take place on September 15, 2026 at the Recreation Center.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

MSFI REPORT - EVERSOURCE ENERGY - REQUEST FOR TEMPORARY ACCESS AND USE OF OLD GILSUM ROAD FOR EVERSOURCE TRANSMISSION STRUCTURE REPLACEMENT PROJECT

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the City Manager be authorized to negotiate and execute agreements with Eversource Energy for the removal of a portion of the stone wall marking the boundary between Parcel #218-006 and #212-030; and for an access agreement to allow construction of a temporary gravel road on Old Gilsum Road. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman.

Mayor Kahn recalled this being accessed by Timberlane Drive. Councilor Greenwald added Old Gilsum Road.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

MSFI REPORTS - PROPOSED RUMBLE STRIPS ON ROUTE 12 AND ROUTE 9 - PUBLIC WORKS DIRECTOR; ROADWAY SAFETY AUDIT - INTERSECTION OF ROUTE 9 AND WHITCOMB'S MILL ROAD - PUBLIC WORKS DIRECTOR; *AND* RESTRICTING VEHICULAR ACCESS TO WASTEWATER TREATMENT PLANT DRIVEWAY - PUBLIC WORKS DIRECTOR

The first Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the report from the New Hampshire Department of Transportation relating to Proposed Rumble Strips on Route 12 and Route 9 be accepted as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the New Hampshire Department of Transportation's Report relating

to Roadway Safety Audit for the Intersection of Route 9 and Whitcomb's Mill Road be accepted as informational while recommending Concept 1 with the hope for lighting. A third Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the Public Works Director's report on Restricting Vehicular Access to the Wastewater Treatment Plant Driveway be accepted as informational.

Councilor Greenwald noted that there was an intense three-hour MSFI meeting that got into a lot of things. He pointed out item D5 with the Wastewater Treatment Plant (WWTP) driveway. He stated that there would still be access for people that want to walk it day or night and to drive it during open business hours. He thought those photographing birds would be there during the day when it is open anyway. This would prevent drag racing at night, which was concerning the Swanzey Police. Mayor Kahn said the photos provided to the Committee aptly described the story.

Mayor Kahn accepted the three reports as informational.

MSFI REPORT - AIRPORT TERMINAL RENOVATIONS - DEPUTY CITY MANAGER

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the City Manager be authorized to execute an Authorization to Submit a Pre-application for the fall funding cycle of the Northern Borders Regional Commission's Timber for Transit grant program for the Dillant-Hopkins Airport terminal building. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman.

Mayor Kahn called this a big plan and a great renovation. He pointed out the size of the grant at more than \$4.5 million, and the City's portion is just a fraction of that. He said it is quite an upgrade to the facility, which he thought everyone would agree could really help.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

MSFI REPORT - DOWNTOWN INFRASTRUCTURE PROJECT UPDATE - PUBLIC WORKS DIRECTOR

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the Downtown Infrastructure Project Update be accepted as informational. Mayor Kahn filed the report as informational.

The next Coffee and Construction update would be August 12, 2026 at 9:00 AM (location to be determined).

FOP REPORT - 79-E 112 WASHINGTON ST: WAIVING CITY'S CLAIM AGAINST PROCEEDS FROM CASUALTY AND FLOOD INSURANCE

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Council forgo the right to include a lien against proceeds from casualty and flood insurance in the covenant to be recorded for the 79-E Community Revitalization Tax Relief previously granted to 112 Washington LLC. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Powers disclosed that this property owner is a distant family member but that the Councilor has no part in this building and in prior discussions at Committee, nobody seemed to think it would be a conflict. He did not think he needed to be recused and there were no comments from the Council.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

FOP REPORT - 79-E 34 COURT LLC: WAIVING CITY'S CLAIM AGAINST PROCEEDS FROM CASUALTY AND FLOOD INSURANCE

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Council forgo the right to include a lien against proceeds from casualty and flood insurance in the covenant to be recorded for the 79-E Community Revitalization Tax Relief previously granted to 34 Court LLC. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

FOP REPORT - REQUEST TO CARRY FORWARD FISCAL YEAR 2026 PERSONNEL FUNDS FOR CITY CLERK'S OFFICE RENOVATIONS - DEPUTY CITY CLERK AND ASSISTANT CLERK

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Council authorize the City Clerk to carry forward \$22,000 in unexpended Fiscal Year 2026 personnel appropriations and repurpose those funds to augment the City Hall Structural Repairs Capital Improvement Project for City Clerk's Office renovations that address accessibility, customer service, operational efficiency, and security concerns. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Jones asked where the City Clerk's Office would be temporarily located for those three to four months. The City Manager said that decision was not finalized yet; they were looking at a couple of different locations, one in very close proximity to City Hall.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, reported that the City Council might have likely seen recent media reports concerning cybersecurity attacks targeting water and wastewater infrastructure in several states. The City has also received alerts from the New Hampshire Department of Environmental Services (DES) regarding these threats and recommended measures to strengthen system security. She said we are fortunate to have a highly capable IT Director and team. This evening, she asked the IT Director to provide a brief overview of the recent attacks and a general update on the measures the City takes to protect our systems and infrastructure.

IT Director Andrew Mueller said he was present to talk about the situation for the City's water and wastewater, what IT is doing to protect that from a cybersecurity standpoint, and how that relates to what is happening in the news related to Iranian cyber-attacks. He said it was important to know that this is not necessarily something new. Anybody that has been watching cybersecurity for the last bunch of years, he said the professionals had been screaming from the rooftops that these wastewater and water plants are the vector of attacks where the bad guys are aiming their stuff. Most of the time, he said it had been China that that has really been taking up all that bandwidth and Iran had been in the shadows, but they have been doing this as well. Now, with the war with Iran, Mr. Mueller felt they had doubled their efforts. They had some successful security breaches make the news, but again, this is something IT had been dealing with for a while, so the protections put forth did not begin yesterday; there had been years of buildup. Mr. Mueller talked briefly about what Iran was doing to other facilities and how, and from a broad standpoint, what the City was doing to mitigate.

First, Mr. Mueller talked about programmable logic controls (PLCs), which are little devices spread throughout Wastewater and Water Treatment Plants to control things like valves, pumps, and motors. Iran finds PLCs that are accessible from the internet and starts manipulating them. As far as what he had researched, there had not been any contamination, but they are looking for disruption (e.g., running multiple motors until they die). There could even be disruptions to multiple plants simultaneously, creating supply and demand issues. These create real disruptions in water delivery when you need to find the implementers who put those motors in, for example. So, he said that seemed to be the Iranian goal, and they had certainly made the news doing it in a couple of locations. Unfortunately, he said these organizations need PLCs on the internet because plants the size of Keene's cannot be staffed 24/7 and there needs to be a way for the plant alarm in the night to page out to the operator on call so they can get on their laptop and see if it is a serious issue. Unfortunately, everything he described there happens over the internet, so that is why there is the existing problem. He said IT's goal is to make sure that they put a lot of different types of hurdles and security measures between the PLCs that control everything and the internet. Mr. Mueller said that includes the easy stuff like hard passwords to crack and dual authentication, so it is not a one-step process. He said that harkens to the fact that the Public Works crews at the Water Treatment Plants have done an amazing job learning all these new processes; as security goes up, convenience goes down. So, there can be pushbacks, but the staff had worked over the past three to four years to really help secure the infrastructure, with swiftly changing processes. Mr. Mueller was really proud of this partnership with them. They have something called penetration or PEN testing, which is done internally. The City hires external organizations like the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA). They provide free services for municipalities; they come to the

Wastewater Treatment Plant and do audits both internal and external like penetration testing. It is a really great resource, and it usually gives the City a long To Do List; some things are usually within the City's Budget, and some things are often over the City's budget. Mr. Mueller said they are always trying to make things more secure; there is no finish line. There is not a time when they evolve out of there being bad guys; he wishes there was. He welcomed questions.

Councilor Williams asked Mr. Mueller to explain the term “penetration testing” for people who did not know it. Mr. Mueller replied that the City hires a company to basically try and hack the organization. They use readily available tools, and they are not provided with any credentials or hints. They are called ethical hackers; they come up with a whole list of ways that they are able to get into the City's system. Sometimes they cannot get in, they are allowed to get in and see how far they can go. There is a whole process to it and it results in a nice report at the end so the City knows who to watch out for.

Councilor Jones asked to change the subject a little bit because he knew that a lot of municipalities around the country had been victims of ransomware and that cybersecurity was helping with preventative measures. He asked if the City and others were still working against that. Mr. Mueller said it is still out there again, but the workforce had been halved in some departments, so it had been tough. He said CISA would be a resource for incidents in the State of New Hampshire.

Councilor Tobin thought the public might be concerned about some of these things and may be concerned about potential risk and how the public might be notified. She also asked if the public could sign up for any alerts. The City Manager said she would treat this, depending upon the situation, as if it was just direct disruption. She said the City would handle that probably a little differently but still likely go back to the water incident when the City had the tools that it used to communicate with the public for social media and text messaging. The City is now on the State of New Hampshire's text messaging system so the City would use all of those same tools.

Mayor Kahn thanked the City Manager and Mr. Mueller for the timely update.

The City Manager provided another update. She said there would be a community conversation on August 22, 2026 at 10:00 AM in Heberton Hall and that everyone was invited. It would be hosted by the Keene Family YMCA and the Keene Public Library. This would be an opportunity to share ideas, meet with your neighbors, and explore new ways to strengthen connections in the community. There would be no need to register for this event unless you are interested in childcare, in which case you must register before August 17, 2026 for free childcare (please contact Amy Kramer at the Library).

The City Manager also announced that the City was about to start its compensation study. She briefly updated the City Council on it, and mentioned that the City Council received an e-mail about this topic. The City had selected Paypoint HR to review its job classifications, its internal equity, and its competitiveness with other comparable employers. The process begins with briefings for leadership and employees, which would be happening over the next few weeks followed by an employee questionnaire focused on their position responsibilities. That questionnaire would take a look at their current job descriptions and whether or not those

descriptions are still accurate. The City Manager had provided a copy of the questionnaire to the City Council, in addition to the sample letter that would be going out to employees within the next week or two. At the conclusion of the study there would be recommendations and depending upon what recommendations come out there would be a timeline aligned with the City's budgeting process; if there is a need for any sort of adjustments to the pay scale that would be something presented to the City Council.

The City Manager noted that a message went out this afternoon that on August 7, 2026 the City's Munis software would be going down at 3:00 PM, which would mean the public could not register or do any of the activities in its revenue office and the revenue office would need to close at 2:00 PM so it could reconcile its system by 3:00 PM. She thanked the Deputy City Manager for sending out a message to the public about this so that people could register their cars or pay their bills before 2:00 PM.

The City Manager noted that the mayor mentioned the upcoming Peace Run and said that interested participants could meet at 1:00 PM on Central Square on August 9, 2026. She added that tonight's assessing presentation would be available on the City's website for anyone wishing to follow along.

COLLECTIVE BARGAINING AGREEMENTS – CITY MANAGER

A motion by Councilor Powers was duly seconded by Councilor Chadbourne to recommend that the City Manager be authorized to do all things necessary to execute the negotiated contract with Keene Police Department Supervisors, Teamsters Local 603 to be effective July 1, 2026, through June 30, 2030; and further that the City Manager be authorized to do all things necessary to execute the negotiated contract with the Professional Firefighters of Keene, NH to be effective July 1, 2026, through June 30, 2027.

Mayor Kahn recognized the Human Resources Director, Darcy Newport, for comments. She said she had a tentative agreement with two bargaining units to go over with the Council. The first was with Keene Police Department supervisors, which is a four-year agreement covering July 1, 2026 to June 30, 2030. The following revisions have been agreed upon between the City and its members: Independence Day has been added as a holiday that will receive compensation at two times the hourly rate, the minimum hours for court appearances and special duty pay will be increased from three to four hours, vacation accrual has been adjusted to 10 hours per month, the percentage of City contributions toward health insurance premiums for option 1 Anthem medical coverage will decrease by 1% the first three years and 2% the 4th year and will be eliminating a co-pay for HRA benefit, and the City will provide deferred compensation plan of 457 B contributions for special duty pay for those hired after July 1 2011. The wage scale has been adjusted from a nine-step schedule to a five-step schedule. Those increases vary by member, but roughly 5.15% average.

The second tentative agreement is with the firefighters. It is a one-year contract beginning July 1, 2026 through June 30, 2027. The following revisions have been agreed upon between the City and the members: Thanksgiving Day and Christmas Day have been added as holidays and will receive compensation at two times the hourly rate, the percentage of City contributions toward

health insurance premiums for option 1 Anthem medical coverage will decrease by 2% and the City will be eliminating co-pay HRA benefit, the opt out payment for waving insurance coverage will increase from \$5000 per year to \$7000 per year, eyewear reimbursements will increase \$100 per year for qualified members, and clothing allowance will increase \$50 per year for each member. The wage schedule will be adjusted by 3.5%.

The City Manager wanted to recognize Ms. Newport. This was her first experience with negotiations, and she had done a great job. One of the things the City Manager appreciated about her approach was that she had done a great job explaining why the City could or could not do something, which the City Manager thought had helped in the conversation at the negotiating table. Mayor Kahn thanked miss Newport for bringing these points to the Council.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

REPORTS - CITY OFFICERS AND DEPARTMENTS - ACCEPTANCE OF DONATIONS - FINANCE DIRECTOR

A memorandum was read from the Finance Director, Kari Chamberlain, recommending that the City Council accept donations totaling \$27,196.70, as noted below, and the City Manager be authorized to use each donation in the manner specified by the donor. A motion by Councilor Powers to accept the donations with gratitude, and that the City Manager be authorized to use these funds in the manner specified by each donor was duly seconded by Councilor Chadbourne.

Councilor Powers indicated the donations accepted this evening include the following:

- \$23,686.70 from Revo Casino as part of the Host Community partnership approved by City Council on 9/18/2025
- \$2,000 bench donation from Michelle Stitham for the purpose of purchasing and installing a bench in Robin Hood Park, honoring Jeremiah "Miah" Crump, a dear friend of the community who passed suddenly in May 2025
- \$500 from C&S Wholesale Grocers to offset food expenses for our annual Community Night on August 18, 2026
- \$1,000 from Savings Bank of Walpole for the 2026 Keene International Festival
- \$10 from Mike Governor for the "Branch Out for Parks" park forestry program

Councilor Workman asked the City Manager to remind the public where the money from Revo Casino would go. The City Manager said that the last time, the City Council voted to apply the funds from Revo Casino to a capital project in the Police Department to offset a portion of that project. That was just a one-time motion. After the Council accepts these funds, staff would come back to the FOP committee with another recommendation as to how to expend these funds.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

REPORTS - CITY OFFICERS AND DEPARTMENTS - OPPORTUNITY ZONE 2.0 (OZ 2.0) EXPANSION NOMINATION ENDORSEMENT - DEPUTY CITY MANAGER

A memorandum was read from Deputy City Manager, Rebecca Landry, recommending that the City Council direct the Mayor to send a letter of support for Keene's Opportunity Zone 2.0 Expansion nomination.

A motion by Councilor Greenwald to suspend Section 26 of the Rules of Order to act on this item on first reading was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Haas was absent.

A motion by Councilor Greenwald to direct Mayor Kahn to send a letter of support for Keene's Opportunity Zone 2.0 Expansion nomination was duly seconded by Councilor Workman.

Mayor Kahn said he got an education on this earlier from the City Manager, noting there are 35 slots about to be authorized from the Governor and put forward for her approval. There were about 50 organizations that were previously designated in the opportunity zone. The City Manager said the Mayor was close, but wanted to let the Deputy City Manager explain. The City Manager noted that the City of Keene currently has an opportunity zone and every 10 years they are reauthorized, which is what the City was attempting to do. She said there are about 50 zones and they are identified as census tracts across the State of New Hampshire but only 35 can move forward, so there is a competition to be selected and included as an Opportunity Zone for the next 10 years. So, right now, the City was preparing an application and working with the Monadnock Economic Development Corporation (MEDC) to help support the City in that strong application.

Deputy City Manager Rebecca Landry said that the Opportunity Zone (OZ) 2.0 program is quite extensive and it takes some time to really learn about and understand what it is and how different it is from the OZ 1.0, so she had some notes to share with the Council and was sure there would be some questions. Then she said staff was going to ask the Council to suspend its Rules to act on the recommendation to direct the Mayor to send a letter of support with the nomination to designate two eligible census tracts as OZs in the OZ 2 Planning Program. So, she stressed that it is not a municipality or an organization that is eligible for nomination, it is a census tract. She said this was necessary tonight because the Council would not meet again before the August 28, 2026 deadline to submit nominations. In 2018, the southernmost census tract in Keene was nominated and received the OZ designation. It runs across the southern border of Keene. The state is now accepting nominations for OZ 2.0 and the existing OZ census tract as well as the other and Keene are both eligible; that does not mean they will both receive the nomination, but the Deputy City Manager still thought it was important to try. She noted that Oz 2.0 had substantial changes from 1.0. It makes rural development more appealing to investors looking for federal tax breaks on capital gains whereas with 1.0 a lot of those capital gains went to Boston and not necessarily to rural communities like Keene. She pointed out that Cody Morrison of MEDC was present tonight, who was instrumental in providing essential support and information for the nomination regarding potential development projects in the pipeline as well as potentially interested investors, so they will be instrumental in helping with this nomination.

The Deputy City Manager talked about what an Opportunity Zone is. She said it is not state and it is not local. It encourages private investors to put their capital gains into long-term community

projects, which differs for five years and reduces by 30% their federal tax burden on those capital gains. So, it is not quite an incentive, and it eliminates the federal tax burden on profit and the increase in value of that property after 10 years. So, she said that if they are a patient investor and they stick around for 10 years, it is also a good motivator. This is important to meet federal low-income criteria specifically where the median family income is no more than 70% of the state average or poverty is 20% or higher. It draws private money into areas that might otherwise get passed over. Keene has two eligible census tracts. The current one that spans the southern border of Keene and the one that is directly above that, which staff can provide more information on if the Council needs it. Deputy City Manager Landry discussed why this would be good for Keene. First, she said it brings patient capital. So, the investors are required by law to keep their money in the property for at least five years in order to get that tax break. It attracts long-term investors. It also expands the City's tax base without local tax breaks so, unlike a program like 79-E, which will delay or abate a portion of the City taxes. Opportunity zones use federal tax discounts and the developer pays their full property taxes to the City of Keene from day one, which will help grow the City's tax base and helps relieve pressure on the residential property taxpayers, which is incredibly important under the new OZ 2.0 rules for rural communities. She said that federal incentives give investors a 30% tax discount on invested capital gains and cut required building renovation costs from 100% of the initial value to 50%. So, on \$1 million valued property the improvement needs to be valued at \$500,000 or more. In the previous program they would have to double the value of the building. Deputy CITY MANAGER Landry said she could not support enough the need for the City to submit a nomination to make sure the City at least has at least one Opportunity Zone and it ideally two going forward.

Councilor Favolise said the Deputy City Manager mentioned some possible examples that she could share with the Council and the public, and asked if she had any of those readily available. The Deputy City Manager said she had mathematical examples, but she did not have a building example. She said that the Kingsbury property is in the census tract, for example, but it is on the wrong side of Marlboro Street for the current opportunity zone. She said that MEDC was helping the City pull together a list of potential projects and investors within the new Opportunity Zone right now.

Councilor Chalice said the Deputy City Manager mentioned the very important example for the community in terms of the Kingsbury property. Counselor Chalice asked if the City had any possibilities of petitioning that Opportunity Zone to its boundaries to be adjusted based on financial issues. Deputy City Manager Landry said no, the City had asked and asked, and would like the answer to be yes, but the answer is no. It is limited to census tracts. Mayor Kahn said each census tract needs to meet the qualifications that are set forth relative to income and valuations. Deputy City Manager Landry said that is correct and anyone can invest in those tracts, they do not have to come through the City or MEDC. The City may not even know if someone makes an investment in a property; that is all done separately from the City.

Councilor Tobin asked if this is to support any type of development or specifically lower income development; she heard the Deputy City Manager mention median income. The Deputy City Manager thought the answer to the Councilor's question was no: that the poverty level or the income levels contribute to what makes the census tract eligible, but the development can be commercial, it can be market rate housing, or it could be low-income housing potentially.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

REPORT - RESIGNATION - ALEXANDER VON PLINKY - CONSERVATION COMMISSION

A memorandum was read from Senior Planner Mari Brunner, recommending that the Council accept the resignation of Alexander "Sparky" Von Plinsky from the Conservation Commission with gratitude for his years of service. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Powers. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

MORE TIME - MSFI REPORTS - ERIK MURPHY - PETITION - SAFETY IMPROVEMENTS AT THE SOUTH LINCOLN STREET AND ROXBURY STREET INTERSECTION; *AND* GILBO AVE SOLAR PAVILION CONCEPTUAL DESIGN - CITY ENGINEER

The first Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending placing "Petition – Safety Improvements at the South Lincoln Street and Roxbury Street Intersection" on More Time to allow for staff to develop options for consideration to be presented at the next MSFI Committee meeting on September 23, 2026, and direct the City Manager to introduce an ordinance for a four-way stop at this intersection. A second Municipal Services, Facilities and Infrastructure Committee report was read on a vote of 4–1, recommending placing the Gilbo Ave Solar Pavilion Conceptual Design on More Time. Mayor Kahn granted More Time for both items.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO ARTICLE VII. - FOOD SERVICE ESTABLISHMENTS - ORDINANCE O-2026-14

A memorandum was read from Community Development Director Paul Andrus, recommending the City Council refer Ordinance O-2026-14 to the Planning, Licenses and Development Committee. Mayor Kahn referred Ordinance O-2026-14 to the September 9, 2026 Planning, Licenses and Development Committee meeting.

ORDINANCE FOR FIRST READING - RELATING TO THE INSTALLATION OF TWO STOP SIGNS ON ROXBURY STREET - ORDINANCE O-2026-15

A memorandum was read from Public Works Director Don Lussier, recommending that Ordinance O-2026-15 be referred to the Municipal Services, Facilities and Infrastructure Committee. Mayor Kahn referred Ordinance O-2026-15 to the September 23, 2026 Municipal Services, Facilities and Infrastructure Committee meeting.

As a point of clarification, Councilor Greenwald said there was not an endorsement of a four-way stop at Roxbury St. and Lincoln St. The Committee was saying to prepare the Ordinance,

and they would talk about it first. Mayor Kahn said it is something staff had done in the past and it was a simple straightforward Ordinance anyway that the Council would take up in the future.

RESOLUTION - RELATING TO FISCAL POLICIES - RESOLUTION R-2026-34-A

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2026-34-A. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2026-34-A was duly seconded by Councilor Chadbourne.

Councilor Jones referred to the fifth paragraph, where the City Manager is hereby granted the authority to appoint a designee temporarily to perform duties and responsibilities of the City Manager in his or her absence. He asked if that is a Fiscal Policy or if that should be a personnel policy. He said he had no problem with it, but he was wondering why it was in the Fiscal Policy and not in the personnel. The City Manager said that was added to the Fiscal Policy a few years ago because if she is not here sometimes and a document needs to be signed of financial nature like a purchase order or contract, the City Attorney suggested including this language to allow the Deputy City Managers to sign those documents in the City Manager's absence. So, the language has been in Fiscal Policy since then.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

RESOLUTION - RELATING TO THE APPROPRIATION OF WASTEWATER
TREATMENT PLANT CAPITAL RESERVE FUNDS TO THE WASTEWATER
TREATMENT PLANT HVAC REPLACEMENT PROJECT - RESOLUTION R-2026-36

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2026-36-A. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2026-36-A was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Haas was absent.

RESOLUTION - RELATING TO THE ALTERATION OF THOMPSON ROAD -
RESOLUTION R-2026-37

A memorandum was read from Public Works Director Don Lussier, recommending that the Mayor schedule a Site Visit and a Public Hearing on September 17, 2026, and that following the Public Hearing Resolution R-2026-37 be referred to the Municipal Services, Facilities & Infrastructure Committee and the Planning Board for their review and consideration. Mayor Kahn referred Resolution R-2026-37 to the Municipal Services, Facilities and Infrastructure Committee and the Planning Board. He scheduled a Site Visit for September 17, 2026 at 5:30 PM and a Public Hearing to be for September 17, 2026 at 7:00 PM; transportation and a light meal would be provided.

RESOLUTION - ACKNOWLEDGING DR. DOTTIE MORRIS FOR HER YEARS OF SERVICE TO KEENE STATE COLLEGE, THE CITY OF KEENE HUMAN RIGHTS COMMITTEE, AND THE COMMUNITY - RESOLUTION R-2026-39

A communication was read from Councilor Jones, recommending drafting a Resolution to express the City Council's support and acknowledgment of Dr. Dottie Morris for her years of service as she strived to make Keene and the Monadnock Region a welcoming and accepting community. A motion by Councilor Jones to direct the Mayor to prepare a Proclamation to recognize Dr. Dottie Morris for years of service to Keene State College, the City of Keene Human Rights Committee, and the community was duly seconded by Councilor Workman.

The Mayor said he was pleased to be able to write this Proclamation after all his years working with Dr. Morris at Keene State College. He said she is an amazing person and a great part of this community. He said that during the Proclamation, he hoped she would share all her future plans. Dr. Morris had agreed to be present for the presentation of the Proclamation on September 17, 2026.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Haas was absent.

RESOLUTION - RELATING TO THE APPROPRIATION OF FUNDS FOR THE MARLBORO STREET & CHESHIRE RAIL TRAIL IMPROVEMENTS PROJECT - RESOLUTION R-2026-40

A memorandum was read from the City Engineer Bryan Ruoff, recommending that Resolution R-2026-40 be referred to the Finance, Organization and Personnel Committee. Mayor Kahn referred Resolution R-2026-40 to the September 10, 2026 Finance, Organization and Personnel Committee of September 10, 2026.

NON-PUBLIC SESSION

A motion by Councilor Greenwald was duly seconded by Councilor Powers to go into non-public session to discuss legal matters pursuant to RSA 91-A:3,II(L), land matters pursuant to RSA 91-A:3,II(d), and litigation matters pursuant to RSA 91-A:3,II(e). The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Haas was absent.

Mayor Kahn called a five-minute recess at 8:50 PM before the session began at 8:55 PM. The public session reconvened at 9:35 PM.

A motion by Councilor Greenwald to seal the minutes of the non-public session held this evening as divulgence of the information would render the proposed actions ineffective was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Haas was absent.

ADJOURNMENT

08/06/2026

Councilor Chadbourne acknowledged how wonderfully Ms. Fitz-Simon had led the meeting in the City Clerk's absence.

There being no further business, Mayor Kahn adjourned the meeting at 9:35 PM.

A true record, attest:

A handwritten signature in dark ink, appearing to read 'HFS', with a long, sweeping horizontal stroke extending to the right.

Heather Fitz-Simon
City Clerk, Pro Tem



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a petition from Donald Lussier, Public Works Director of the City of Keene, relating to Resolution R-2026-37 for the alteration of the layout of Thompson Road. The petition seeks to correct the layout of Thompson Road as a result of the recently completed Thompson Road Stabilization project, during which it was determined that the traveled path of Thompson Road did not fully align with the Right-of-Way as it was originally laid out by the City Council. In two locations, the paved portion of the road actually encroached onto the abutting properties. In addition, the construction of retaining walls as part of the stabilization project required additional right-of-way width. The proposed alteration will add a total of 5,098 square feet (+/-) to the public right-of-way and will incorporate all public infrastructure into the layout.

SITE VISIT: September 17, 2026 at 5:30 PM

PUBLIC HEARING: September 17, 2026 at 7:00 PM

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 6th day of August 2026.

Attest:

City Clerk



PETITION TO ALTER THE LAYOUT OF THOMPSON ROAD

To: Mayor Jay Kahn and the Keene City Council

Your Petitioner, Donald R. Lussier, P.E., Public Works Director, respectfully petitions the Keene City Council to alter the layout Thompson Road, a Class V highway located in the City of Keene, Cheshire County, New Hampshire, and represents as follows:

1. For the accommodation and convenience of the traveling public, there is occasion for the alteration of the historic layout of Thompson Road.
2. Thompson Road is a public highway in the southeast corner of Keene, running from State Route 101 to the home formerly occupied by Aaron Thompson. The original date for the layout of the road is unclear from City records, however, the road was re-surveyed in 1836 and recorded in the City Clerk's Highway Records in Volume 1, Page. 43.
3. Thompson Road, as originally laid out, is 2 Rods (33 feet) in width and 100 Rods (1650 feet) in length.
4. In the spring of 2024, as the City was preparing to construct the Thompson Road Stabilization Project, it was determined that the historically traveled roadway did not align with the highway laid out by the City. In two locations, the paved portion of the roadway encroached on the abutting parcels. In addition, since the reconstruction entailed building retaining walls, additional right-of-way width was required.
5. It is therefore requested to alter the layout by adding two strips of land to the City's Right-of-Way, affecting a total of three parcels:
 - a. Tract No. 1: a strip of land encompassing 1,795 square feet (+/-) of Tax Map Parcel No. 241-094
 - b. Tract No. 2: a strip of land encompassing 699 square feet (+/-) of Tax Map Parcel No. 241-095
 - c. Tract No. 3: a strip of land, contiguous with Tract No. 2, encompassing 2,604 square feet (+/-) of Tax Map Parcel No. 241-096
6. The Petitioner is also requesting a waiver of Article 23.2.1 of the City of Keene Land Development Code to allow for the conveyance of a highway easement rather than fee-simple title to the land to be added to the Right-of-Way. The City does not possess fee for land underlying Thompson Road as currently laid out and there is little benefit for the City to own two small, noncontiguous strips of land.

WHEREFORE, your Petitioner respectfully requests that:

- I. The City Council, in accordance with the provisions of New Hampshire RSA 231:9-12, conduct a public hearing on the proposed alteration of Thompson Road; and,
- II. The City Council vote to alter the layout of Thompson Road by adding the following tracts of land to the historic layout:

Tract No. 1

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the southernmost point on Tax Map Parcel No. 241-094 and the easternmost point on Tax Map Parcel No. 241-093;

Thence N 26°12'26" E along the westerly line of said Thompson Road for a distance of 252.16 feet to a point, said point being a 5/8" diameter iron rod, set flush with the surrounding pavement;

Thence S 28°38'17" W for a distance of 34.87 feet to a point said point being a 5/8" diameter iron rod, set flush with the surrounding earth;

Thence along a curve to the left whose chord bearing is S 26°21'35"W and whose radius is 694.63 feet for a distance of 135.86 feet to a point;

Thence S 20°45'24" W for a distance of 82.83 feet to the place of beginning.

Containing one thousand seven hundred ninety five (1,795) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #1" on a plan entitled "Thompson Road, Keene N.H., Right of Way Boundary Plan, Land Located along the Branch River", prepared for the City of Keene by Bailey Associates, dated 3/21/2025, to be recorded at the Cheshire County Registry of Deeds.

Tract No. 2

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being a 1" diameter iron pipe set 0.6 feet above the surrounding earth, marking the southernmost point on Tax Map Parcel No. 241-095 and the easternmost point on Tax Map Parcel No. 241-094;

Thence N 44°12'34"E along the westerly line of said Thompson Road for a distance of 115.38 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence S 39°17'58" W for a distance of 115.48 feet to the place of beginning.

Containing six hundred ninety-nine (699) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #2" on the aforementioned plan.

Tract No. 3

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the northeastern most point on Tax Map Parcel No. 241-096;

Thence S 44°12'34" W along the westerly line of said Thompson Road for a distance of 226.92 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence N 39°17'58" E for a distance of 29.87 feet to a point;

Thence along a curve to the right whose chord bearing is N 46°18'27" E and whose radius is 600 feet for a distance of 146.78 feet to a point;

Thence N 53°18'56" E for a distance of 51.82 feet to the place of beginning.

Containing two thousand six hundred four (2,604) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #3" on the aforementioned plan.

- III. The City Council vote to grant a waiver to the requirements of Article 23.2.1 of the Land Development Code, requiring a warranty deed conveying fee title; and,
- IV. The City Council authorize the City Manager to accept and record deeds for highway easements across the above-described tracts of land from the current property owners, with the final form and content of said easements to be subject to the review and approval of the City Attorney.
- V. That the City Council authorize the City Manager to pay damages to the owners of the aforementioned tracts as follows;
 - a. Tract #1 – Seven Thousand Eight Hundred Forty-One Dollars and Thirty Cents (\$7,841.30)
 - b. Tract #2 – One Thousand Ninety Dollars and Forty-Four Cents (\$1,090.44)

c. Tract #3 – Four Thousand Sixty-Two Dollars and Twenty-Four Cents (\$4,062.24)

Respectfully Submitted this 4TH day of August, 2026

A handwritten signature in blue ink, appearing to read 'D. Lussier', is written over a faint, light blue rectangular stamp.

Donald R. Lussier, P.E.
Public Works Director



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to the Alteration of Thompson Road

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Thompson Road is a public highway in the City of Keene; and

WHEREAS: There is now occasion to alter the location of Thompson Road by widening the existing Right-of-Way to accommodate the historically traveled roadway plus improvements constructed as part of the City's Thompson Road Stabilization Project;

NOW THEREFORE BE IT RESOLVED:

That the Keene City Council hereby accepts the following tracts of land, identified as "Proposed ROW Taking #1, #2 & #3" on a plan entitled "Thompson Road, Keene N.H., Right of Way Boundary Plan, Land Located along the Branch River", prepared for the City of Keene by Bailey Associates, dated 3/21/2025, to be recorded at the Cheshire County Registry of Deeds.

Tract No. 1

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the southernmost point on Tax Map Parcel No. 241-094 and the easternmost point on Tax Map Parcel No. 241-093;

Thence N 26°12'26" E along the westerly line of said Thompson Road for a distance of 252.16 feet to a point, said point being a 5/8" diameter iron rod, set flush with the surrounding pavement;

Thence S 28°38'17" W for a distance of 34.87 feet to a point said point being a 5/8" diameter iron rod, set flush with the surrounding earth;

Thence along a curve to the left whose chord bearing is S 26°21'35"W and whose radius is 694.63 feet for a distance of 135.86 feet to a point;

Thence S 20°45'24" W for a distance of 82.83 feet to the place of beginning.

Containing one thousand seven hundred ninety-five (1,795) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #1" on the aforementioned plan.

Tract No. 2

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being a 1" diameter iron pipe set 0.6 feet above the surrounding earth, marking the southernmost point on Tax Map Parcel No. 241-095 and the easternmost point on Tax Map Parcel No. 241-094;

Thence N 44°12'34"E along the westerly line of said Thompson Road for a distance of 115.38 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence S 39°17'58" W for a distance of 115.48 feet to the place of beginning.

Containing six hundred ninety-nine (699) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #2" on the aforementioned plan.

Tract No. 3

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the northeastern most point on Tax Map Parcel No. 241-096;

Thence S 44°12'34" W along the westerly line of said Thompson Road for a distance of 226.92 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence N 39°17'58" E for a distance of 29.87 feet to a point;

Thence along a curve to the right whose chord bearing is N 46°18'27" E and whose radius is 600 feet for a distance of 146.78 feet to a point;

Thence N 53°18'56" E for a distance of 51.82 feet to the place of beginning.

Containing two thousand six hundred four (2,604) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #3" on the aforementioned plan.

BE IT FURTHER RESOLVED:

That the Petitioner's request for a waiver to the requirements of Article 23.2.1 of the Land Development Code to allow conveyance of an easement for highway purposes rather than fee title is hereby granted.

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to accept and record deeds for highway easements across the above-described tracts of land from the current property owners, with the final form and content of said easements to be subject to the review and approval of the City Attorney.

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to pay damages to the owners of the aforementioned tracts as follows;

- a. Tract #1 – Seven Thousand Eight Hundred Forty-One Dollars and Thirty Cents (\$7,841.30)
- b. Tract #2 – One Thousand Ninety Dollars and Forty-Four Cents (\$1,090.44)
- c. Tract #3 – Four Thousand Sixty-Two Dollars and Twenty-Four Cents (\$4,062.24)

Jay V. Kahn, Mayor

In City Council August 6, 2026.
Referred to the Municipal Services,
Facilities and Infrastructure Committee and
the Planning Board. Site visit set
September 17, 2026, at 5:30 PM.
Public Hearing set September 17, 2026, at 7:00 PM.


Assistant Clerk



RETURN OF ALTERATION OF THE THOMPSON ROAD LAYOUT

A petition requesting the alteration of the Thompson Road Layout having come before the Keene City Council, and their having considered the same, all parties having been heard and the owners of land over which such highway shall pass having agreed to accept compensation and waive their right to any additional damages, it is hereby ordered and adjudged that:

- I. Public exigency and convenience require that a highway be and the same hereby is laid out, taken and appropriated over three tracts of land situated in the City of Keene, Cheshire County, New Hampshire. Said tracts are more particularly bounded and described as follows:

Tract No. 1

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the southernmost point on Tax Map Parcel No. 241-094 and the easternmost point on Tax Map Parcel No. 241-093;

Thence N 26°12'26" E along the westerly line of said Thompson Road for a distance of 252.16 feet to a point, said point being a 5/8" diameter iron rod, set flush with the surrounding pavement;

Thence S 28°38'17" W for a distance of 34.87 feet to a point said point being a 5/8" diameter iron rod, set flush with the surrounding earth;

Thence along a curve to the left whose chord bearing is S 26°21'35"W and whose radius is 694.63 feet for a distance of 135.86 feet to a point;

Thence S 20°45'24" W for a distance of 82.83 feet to the place of beginning.

Containing one thousand seven hundred ninety five (1,795) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #1" on a plan entitled "Thompson Road, Keene N.H., Right of Way Boundary Plan, Land Located along the Branch River", prepared for the City of Keene by Bailey Associates, dated 3/21/2025, to be recorded at the Cheshire County Registry of Deeds.

Tract No. 2

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being a 1" diameter iron pipe set 0.6 feet above the surrounding earth, marking the southernmost point on Tax Map Parcel No. 241-095 and the easternmost point on Tax Map Parcel No. 241-094;

Thence N 44°12'34"E along the westerly line of said Thompson Road for a distance of 115.38 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence S 39°17'58" W for a distance of 115.48 feet to the place of beginning.

Containing six hundred ninety-nine (699) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #2" on the aforementioned plan.

Tract No. 3

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a point on the westerly line of Thompson Road, said point being the northeastern most point on Tax Map Parcel No. 241-096;

Thence S 44°12'34" W along the westerly line of said Thompson Road for a distance of 226.92 feet to a point;

Thence N 47°28'44" W for a distance of 11.01 feet to a point;

Thence N 39°17'58" E for a distance of 29.87 feet to a point;

Thence along a curve to the right whose chord bearing is N 46°18'27" E and whose radius is 600 feet for a distance of 146.78 feet to a point;

Thence N 53°18'56" E for a distance of 51.82 feet to the place of beginning.

Containing two thousand six hundred four (2,604) square feet, more or less.

Said tract is depicted as "Proposed ROW Taking #3" on the aforementioned plan.

- II. The City Council finds that there is occasion and necessity for such layout.
- III. The tracts of land hereby laid out shall be added to and become part of the Thompson Road Right-of-Way.
- IV. These findings and orders shall be recorded in the office of the Keene City Clerk.

Jay V. Kahn, Mayor

Date

Approved as to Description:

Approved as to Form:

Bryan Ruoff, P.E.
City Engineer

Amanda Palmiera
City Attorney

SURVEY DATUM

THIS SURVEY IS ORIENTED TO N.H. STATE PLANE GRID NORTH AS DETERMINED BY UTILIZING BAD ELF "FLEX 5600" DUAL FREQUENCY GNSS (GPS, GLONASS, GALELIO & BEIDOU) RECEIVERS, RTK, VIRTUAL NETWORK METHODS. OBSERVATIONS WERE TAKEN ON 11/21/2022
VERTICAL DATUM: NAVD 88 UTILIZING (GEOID 18).
HORIZONTAL DATUM: NAD83(2011) MULTI-YEAR CORS SOLUTION 2 (MYCS2) EPOCH = 2010.000
BEGIN DATE = 01/04/2020
REFERENCE FRAME: ITRF2014

TAX MAP 241 LOT 93
642 MARLBORO RD.
KAREN B. CURRAN
BK.969 PG.152

TAX MAP 241 LOT 94
17 THOMPSON RD.
GREGORY C. WALKER
BK.840 PG.522

TAX MAP 241 LOT 95
27 THOMPSON RD.
ROBERT W. BALL
BK.1155 PG.126

TAX MAP 241 LOT 96
OTHER LAND OF BALL
BK.1810 PG.805

TAX MAP 241 LOT 99
NORMAN C. KRISTOFF
BK.2646 PG.20

TAX MAP 241 LOT 100
HEIRS OF GEORGE A. LAROCHE
BK.1775 PG.159

TAX MAP 241 LOT 101
59 THOMPSON ROAD
MICHAEL R. LAROCHE ET AL
BK.1775 PG.159

TAX MAP 241 LOT 105
ANTIOCH UNIVERSITY
BK.2190 PG.411

THOMPSON ROAD RIGHT OF WAY TAKINGS

PROPOSED RIGHT-OF-WAY
TAKING #1
FOR TAX MAP 241 LOT 94
(17 THOMPSON ROAD)

ROW PARCEL SEGMENTS TABLE			
ID	Length	Bearing	Curve Radius
C1	135.86	Chrd Brg:S26°21'35"W	694.63
L1	82.83	S20°45'24"W	
L2	252.16	N26°12'26"E	
L3	34.87	S38°38'17"W	

ROW TAKING #1: 1,795 S.F.

PROPOSED RIGHT-OF-WAY
TAKING #2
FOR TAX MAP 241 LOT 95
(27 THOMPSON ROAD)

ROW PARCEL SEGMENTS TABLE	
ID	Bearing
L4	S39°17'58"W
L5	N44°12'34"E
L6	N47°28'44"W

ROW TAKING #2: 699 S.F.

PROPOSED RIGHT-OF-WAY
TAKING #3
FOR TAX MAP 241 LOT 96
(27 THOMPSON ROAD)

ROW PARCEL SEGMENTS TABLE			
ID	Length	Bearing	Curve Radius
C10	146.78	Chrd Brg:N46°18'27"E	600.00
L6	11.01	N47°28'44"W	
L7	29.87	N39°17'58"E	
L8	51.82	N53°18'56"E	
L9	226.92	S44°12'34"W	

ROW TAKING #3: 2,604 S.F.

MULTIPLE SHEET RECORDABLE ROW PLAN

THIS PLANSET CONTAINS A TOTAL OF 8 SHEETS. SHEET NUMBER 8 IS RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS. THE REMAINING SHEETS ARE ON FILE AT THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS, WHICH IN ITS ENTIRETY, CONSTITUTE THE SITE PLAN AS APPROVED BY THE PLANNING BOARD.

GENERAL NOTES

- THE PURPOSE OF THIS PLAN IS TO SHOW THE RIGHT OF WAY OF THOMPSON ROAD, ACCORDING TO CITY OF KEENE HIGHWAY BOOK #1, RETURN OF LAYOUT AS DESCRIBED AS BEING 2 RODS IN WIDTH, 100 RODS IN LENGTH, AND DESCRIBED BY NON-CURVILINEAR POINTS OF INTERSECTION AND DISTANCES ONLY. THE ORIGINAL RIGHT OF WAY IS SHOWN AS A CENTERLINE USING RODS AS THE UNIT LENGTH.
- IN ADDITION TO THE EXISTING RIGHT OF WAY, A NUMBER OF NEW RIGHT-OF-WAY TAKINGS ARE NEEDED TO FACILITATE ON GOING ROAD MAINTENANCE. THIS PLAN SHOWS THE PROPOSED PARCELS TO BE ANNEXED TO THE EXISTING RIGHT OF WAY.
- THERE ARE TWO APPARENT LOCATIONS WHERE THE HIGHWAY AS TRAVELED IS LOCATED OUTSIDE OF THE ORIGINAL RIGHT OF WAY, AND PRESCRIPTIVE EASEMENTS MAY HAVE RIPPENED OVER TIME.
- AN ASBUILT SURVEY AND RIGHT-OF-WAY BOUNDARY SURVEY WAS PERFORMED BY THIS OFFICE ON 12/12/2024. THE AS-BUILT LOCATIONS OF THE RECENTLY CONSTRUCTED RETAINING WALLS AND ASSOCIATED SLOPES WITH DRAINAGE WAS LOCATED, AND THE PROPOSED TAKINGS SHOWN ON THIS PLAT WERE MONUMENTED.

PLAN REFERENCES

- BOUNDARY ADJUSTMENT PREPARED FOR KAREN B. CURRAN, KEENE NH AS PREPARED BY DAVID A. MANN ASSOCIATES, DATED 01/03/1987 AND RECORDED AS CCRD PLAN 521.
- BOUNDARY LINE ADJUSTMENT LOTS 241-102-000, 101, 103 & 104, THOMPSON ROAD KEENE, NH 03431 AS PREPARED BY CARDINAL SURVEYING & LAND PLANNING, DATED 05/22/2023 AND RECORDED AS CCRD PLAN #23049.
- EXISTING CONDITIONS PLAN, BULK STORAGE FACILITY, TAX MAP PARCEL 68-1-1, 639 MARLBORO ROAD, KEENE, NH. AS PREPARED BY FIELDSTONE LAND CONSULTANTS, DATED MARCH 16, 2017 AND ON FILE AT THE CITY OF KEENE.
- BOUNDARY ADJUSTMENT PLAN PREPARED FOR JEANNETTE L. GARDNER & GREGORY H. GARDNER 67 THOMPSON ROAD, AS PREPARED BY DAVID A. MANN, LAND SURVEYOR DATED MARCH 27, 2007 AND RECORDED AS CCRD PLAN #C13-D06-0085
- SUBDIVISION PLAT, MAP 199 LOT 01-1, MAP 901 LOTS 21-6 & 21-28, CHAPMAN AND THOMPSON ROADS KEENE, N.H. AS PREPARED BY RICHARD P. DREW LLC DATED 08/13/2003 AND ON FILE AT THE CITY OF KEENE.
- STATE OF NEW HAMPSHIRE, STATE HIGHWAY DEPARTMENT - PLAN AND PROFILE OF PROPOSED T.L.R. PROJECT NO. 14117, SOUTH SIDE ROAD, DATED 05/31/1993. ON FILE AT THE NH DOT ARCHIVES.

PLAN CERTIFICATIONS

I HEREBY CERTIFY THAT THIS SURVEY AND SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT I HAVE FILED A COPY OF THIS PLAN WITH THE PLANNING BOARD OF KEENE, IN ACCORDANCE WITH RSA 676:18 (IV)

I HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF A THEODOLITE / EDM SURVEY PERFORMED ON THE GROUND AND UNDER MY DIRECT SUPERVISION DURING 2022 & 2024, AND THAT THE ADJUSTED ERROR OF CLOSURE IS NOT GREATER THAN 1 PART IN 10,000. EVERY REASONABLE EFFORT HAS BEEN MADE TO PROPERLY ESTABLISH THE BOUNDARIES OF THE SUBJECT TRACT. THIS CERTIFICATION DOES NOT INCLUDE ANY GUARANTEE OF TITLE.

03/21/2025
DATE:

CRAIG T. BAILEY L.L.S. #1104

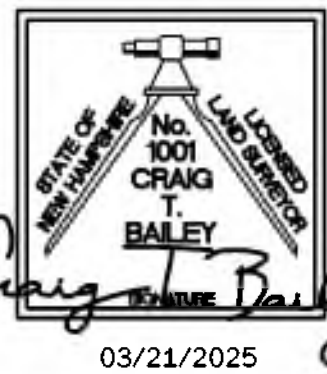
INSET "A"

SCALE: 1"=50'

TAX MAP 241 LOT 102
67 THOMPSON ROAD
JESSICA & FRANCIS PIERANNUNZI
BK.2624 PG.361

TAX MAP 241 LOT 103
60 THOMPSON ROAD
JEFFREY & ALLISON GARDNER
BK.1962 PG.474

DATE	REVISION	INITIALS
12/30/2024	ASBUILT & PROPOSED EASEMENT ADDED	CTB
03/07/2025	ROW TAKINGS PARCELS REVISED	CTB
03/21/2025	PARCEL TABLES RE-ALIGNED	CTB
DATE 3/21/2025 JOB No. 3673		
DRAWN BY :CTB		
SCALE : 1"=50'		



LEGEND

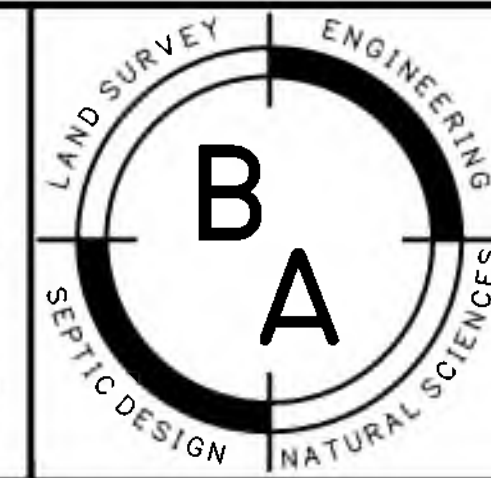
- REBAR FND/SET
- REBAR TO BE SET
- DRILL HOLE FND/SET
- CONCRETE BND.FND/SET
- CONC. BND. TO BE SET
- GRANITE BND. FND/SET
- STONE ERECT FOUND
- STAKE & STONES FND.
- IRON ROD FOUND
- IRON PIPE FOUND
- SPIKE FND/SET
- MAGNAIL (PK) FND/SET
- HUB & TACK FND/SET

- TEMPORARY BENCHMARK
- PERMANENT BENCHMARK
- WETLAND FLAG
- WETLAND
- TREE STUMP FOUND
- MAIL BOX
- PERCOLATION TEST
- TEST PIT
- DECIDUOUS TREE
- CONIFEROUS TREE
- SOIL TYPE
- EDGE OF GRAVEL DRIVE

- SEWER MAN HOLE
- DRAIN MAN HOLE
- WELL
- HYDRANT
- WATER SHUTOFF
- GATE VALVE
- CATCH BASIN
- UTILITY POLE
- LIGHT POLE
- GUY ANCHOR

STONEWALL

- TREELINE
- WETLAND
- EXISTING WATER
- EXISTING SEWER LINE
- EXISTING STORM DRAIN
- BUILDING SETBACK LINE



BAILEY ASSOCIATES

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ENGINEERING & NATURAL RESOURCE SCIENCES
WWW.BAILEY-ASSOCIATES.COM
(603) 528-3734
217 COTTON HILL RD. GILFORD, NH 03249
SERVING NEW HAMPSHIRE SINCE 1978

THOMPSON ROAD, KEENE N.H. RIGHT OF WAY BOUNDARY PLAN

LAND LOCATED ALONG THE BRANCH RIVER
CITY OF KEENE, CHESHIRE COUNTY N.H.

PROJECT OWNER:
CITY OF KEENE, N.H.
DEPARTMENT OF PUBLIC WORKS
3 WASHINGTON ST.
KEENE, NH 03431

DATE OF PLAN: March 2025

SHEET 4 OF 4



NOTICE OF PUBLIC HEARINGS

CITY OF KEENE

Notice is hereby given that two Public Hearings will be held on September 17, 2026 at 7:10 p.m. at Keene City Hall, Second Floor, 3 Washington Street, Keene, NH 03431 to discuss and hear public comment on current projects sponsored by the City of Keene under the federal Community Development Block Grant (CDBG) program. The projects to be featured include 1) Keene Housing's second phase of the redevelopment of the former Roosevelt School site at 438 Washington Street known as Roosevelt West, and 2) a planning and feasibility assessment of the Cedarcrest Center for Children with Disabilities facility at 91 Maple Avenue.

Interested persons are invited to attend and comment on the projects. If you need assistance to attend or participate in the hearing, please contact Elizabeth Ferland, Keene City Manager, five days in advance. Anyone wishing to submit written comments should address them in writing to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: Confirmation - Human Rights Committee

Council Action:

In City Council August 6, 2026.

Nomination tabled until the next regular meeting.

A true record;

Attest:

Assistant Clerk

Recommendation:

Attachments:

None

Background:

I hereby nominate the following individuals to serve on the designated Board or Commission:

HUMAN RIGHTS COMMITTEE

Julie Odato

December 31, 2028

Moving from Alternate to Regular Member

Slot 5



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Michael Guitard

Through: Terri Hood, City Clerk

Subject: **Michael Guitard/Guitard Homes LLC - Petition for City Ownership of Water and Sewer Infrastructure - Cottage Court Community on Court Street**

Recommendation:

Attachments:

1. Guitard Communications_redacted

Background:

Michael Guitard of Guitard Homes LLC is requesting that the City assume ownership of the water and sewer infrastructure serving the approved Cottage Court Community on Court Street. The development is proposed in three phases totaling 29 homes, and the applicant requests the City's consideration of municipal ownership of the infrastructure as the project moves forward.

August 31, 2026

To Mayor Jay Kahn and the Keene City Council:

Please consider this letter a formal request that the water and sewer infrastructure be owned by the City of Keene for the approved Cottage Court Community on Court Street in Keene, New Hampshire.

The Cottage Court Community is an approved, phased 29-home development, consisting of:

- Phase 1: 12 homes
- Phase 2: 11 homes
- Phase 3: 6 homes

Thank you for your time and consideration. We appreciate your attention to this request and look forward to working with the City of Keene to move this project forward.

Sincerely,

Michael Guitard
Guitard Homes LLC





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Duncan Hilchey and Amy Christian

Through: Terri Hood, City Clerk

Subject: **Duncan Hilchey and Amy Christian - Request for a Traffic Study and Safety Assessment of School Street**

Recommendation:

Attachments:

1. Hilchey and Christian Communications_redacted

Background:

Duncan Hilchey and Amy Christian are requesting a Traffic Study and Safety Assessment of School Street. They would like particular attention to be spent on studying and assessing vehicle speeds, traffic volumes, traffic patterns, and excessive vehicle noise. They mention that residents have become increasingly concerned and mention that although they are part of the central business district, they do not want to lose the safety, livability, and residential character of their neighborhood.

Honorable Mayor and Members of the Keene City Council
3 Washington Street
Keene, NH 03431

Re: Request for Traffic Study and Safety Assessment — School Street

Dear Honorable Mayor and Members of the City Council:

We respectfully request that the City of Keene undertake a traffic study and safety assessment of **School Street**, with particular attention to vehicle speeds, traffic volumes, traffic patterns, and excessive vehicle noise.

Residents have become increasingly concerned that School Street is experiencing substantial through traffic, including drivers who appear to be using the street as an alternative route to avoid congestion and delays associated with the work being done in Central Square and the surrounding downtown area. While School Street is located near the central business district, it is also fundamentally a **residential neighborhood**, and its transportation function should be evaluated in light of the people who live here.

Of particular concern is the frequency of vehicles traveling at speeds that seem to exceed the posted speed limit. Vehicles are also accelerating after turning onto School Street, which is loud and disruptive. Speeding as a concern is especially significant because of the presence of a school and the number of older pedestrians, children, families, bike riders, and other vulnerable road users in the area.

Residents are also concerned about excessive traffic noise. Motorcycles in particular can be **especially loud and disruptive**, affecting the peaceful enjoyment of homes and the overall quality of life in the neighborhood. We recognize that some noise issues may involve vehicle equipment or enforcement questions rather than roadway design alone, but we believe these concerns should be considered as part of a broader assessment of traffic conditions on School Street.

We therefore respectfully request that the City, working through the appropriate departments and committees, consider conducting a study that examines:

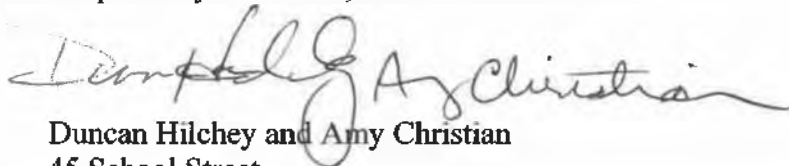
- Vehicle traffic volumes and patterns on School Street;
- Vehicle speeds and the prevalence of speeding;
- The extent to which School Street may be functioning as a cut-through route for drivers seeking to avoid Central Square or other downtown congestion;
- Pedestrian and school-related safety conditions;
- Traffic noise and particularly disruptive motorcycle and vehicle noise; and
- Potential opportunities for traffic calming, safety improvements, enforcement, or other appropriate measures.

We are not presupposing what the appropriate solution should be. Rather, we believe that a careful, data-informed assessment would provide the City and neighborhood residents with a clearer understanding of current conditions and help identify whether changes are warranted.

Keene's downtown and surrounding neighborhoods are closely interconnected. Maintaining a vibrant central business district should not come at the expense of the safety, livability, and the residential character of nearby streets. We respectfully ask the City to give this matter careful consideration and to work with School Street residents in evaluating possible next steps.

Thank you for your attention to this request and for your service to the City of Keene.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Duncan Hilchey and Amy Christian".

Duncan Hilchey and Amy Christian
45 School Street
Keene, NH

PS: we want to acknowledge our appreciation of the Keene Public Works Department for following through with our request to add the radar speed sign for a month or so earlier this year. Although, we're not sure it made much of a difference. ☺



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: John T. Newcombe
Through: Terri Hood, City Clerk
Subject: **John T. Newcombe - Resignation - Board of Assessors**

Recommendation:

Attachments:

1. J. Newcombe Assessors Board Resignation

Background:

John Newcombe has submitted his resignation from the Board of Assessors. He has served on the Board since 2016.

August 21, 2026

The Honorable Mayor Jay Kahn
City of Keene, NH
3 Washington Street
Keene, NH 03431

Dear Mayor Kahn,

I have served on the Board of Assessors for 10 years. It has been a rewarding experience and I have enjoyed my time with Dan and staff. After careful consideration I have decided to resign from the Board. I am retired and plan to spend time with my family.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Newcombe". The signature is stylized with a large, sweeping initial "J" and a trailing flourish.

John T Newcombe



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Councilor Philip M. Jones
Through: Terri Hood, City Clerk
Subject: Councilor Jones - Central Square Pedestrian Access During the 2026 Keene Pumpkin Festival

Recommendation:

Attachments:

1. Councilor Jones Communication about Pumpkin Festival 2026

Background:

A communication from Councilor Philip Jones requesting that barriers and obstructions associated with the downtown infrastructure project be removed, where it can be done safely, to allow pedestrian access to Central Square during the 2026 Keene Pumpkin Festival. The request is limited to pedestrian access and does not seek changes to vehicular traffic patterns, the festival's licensed footprint or liability, or the display of pumpkins in Central Square.

To: Mayor and City Council

From: Councilor Philip Jones

Subject: Central Square Pedestrian Access at Pumpkin Festival

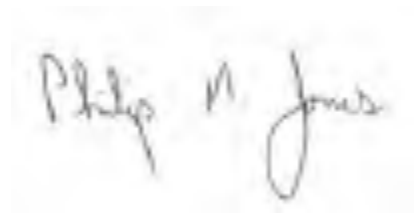
Date: September 15, 2026

I am requesting that during the 2026 Keene Pumpkin Festival that all barriers and obstructions caused by the downtown infrastructure project blocking pedestrian access to Central Square be removed to safely allow pedestrian access to that section of downtown. The Pumpkin Festival is very important to the downtown merchants including those located around the Central Square area.

I am not asking for any changes in vehicular traffic patterns. I am not asking Let it Shine to expand their licensed footprint. I am not asking for Let it Shine to take on any additional liability. I am not asking for pumpkins to be displayed in the Central Square area. I am simply requesting that all barricades and obstructions preventing pedestrian access that can safely be removed be removed for that day.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read "Philip M. Jones". The signature is written in a cursive style with a large, stylized "P" and "J".



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Shawn Voisine

Through: Terri Hood, City Clerk

Subject: **Shawn Voisine/Elmside LLC - Request for Waiver of City Public Utilities Standards for Water Metering Infrastructure - Elmside Cottage Court**

Recommendation:

Attachments:

1. Voisine Communication Redacted

Background:

Shawn Voisine of Elmside LLC is requesting a waiver of City of Keene Public Works public utilities standards requiring a main water meter serving the privately owned water and sewer infrastructure at Elmside Cottage Court to be located within a stand-alone heated building. The applicant requests instead that each of the development's 18 homes be individually metered, citing concerns regarding reliability, equitable billing, and long-term costs to homeowners.

September 15, 2026

Dear Mayor Jay Kahn and Members of the Keene City Council,

I am writing to formally request that the private water and sewer infrastructure serving Elmside Cottage Court **not** require a main water meter to be located within a stand-alone heated building. I appreciate the time Public Works and the City Manager have already taken to discuss this matter and understand the circumstances surrounding the development.

Elmside Cottage Court is an approved 18-home development consisting of two phases:

- **Phase 1:** Fifteen homes along the outer perimeter
- **Phase 2:** Three centrally located homes

Our request is based on several concerns associated with maintaining the privately owned infrastructure:

1. **The requirement for a separate heated building** at the entrance of the property to house a main water meter.
 - In the event of a power outage, the building could freeze, disrupting water service to all homes.
 - A single master meter creates challenges in determining fair and accurate billing for individual homeowners.
 - This setup increases long-term costs for residents.

The current design already includes a curb stop at each home, with the intention that each residence would have its own meter, consistent with standard City practice. All necessary easements have been planned, approved, and incorporated into the development plans.

For these reasons, we respectfully request that the City remove the requirement of a main water meter to be located within a stand-alone heated building within Elmside Cottage Court and supply each home with its own meter. We believe this approach will provide the most reliable, equitable, and sustainable outcome for future homeowners.

Thank you for your consideration. I look forward to continuing to work collaboratively with the City of Keene on this development and future projects.

Sincerely,

Shawn Voisine
Elmside LLC

[Redacted]
[Redacted]





CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Filiault - Request for Consideration of an Ordinance Amendment Regulating Dogs at Downtown Events *and* Paul Allen-Webber - Request to Reconsider Ordinance O-2004-15-A Section (e) Regarding Dog Restrictions During the Pumpkin Festival**

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Attorney draft an ordinance restricting dogs at all licensed downtown community events and return it as a draft at the next PLD meeting.

Attachments:

None

Background:

Chair Filiault took these two items on the agenda together. He noted that Paul Allen-Webber (not a Keene resident) was not present to speak to his letter but had spoken with the Chair by phone. He added that he would take up consideration of this ordinance and the potential amendments, and accept and file Mr. Allen-Webber's letter into the record as part of the overall discussion related to dogs at downtown events.

Chair Filiault explained that his letter to the Mayor and City Council is to request the consideration of an ordinance regulating dogs at downtown events. He noted that there is already an Ordinance to regulate dogs at the Pumpkin Festival. The unfortunate part is that it relies on the organizers to regulate the dogs being at the event, which creates a problem within itself. This was brought to Chair Filiault's attention at the last Taste of Keene Food Fest downtown, where multiple times, various groups of dogs got together; there were some situations that could have gotten out of hand rapidly. Chair Filiault witnessed it and had several citizens approach him saying the City must do something about this before something happens. During that time, he said his wife was unfortunately recently bitten by a dog. Thanks to Councilor Williams' efforts to enact enforcement, a fine was put forward; he appreciated Councilor Williams working on that Ordinance. Chair Filiault noted all that comes with being bit by a dog, like many hospital visits and shots. Fortunately, the dog that bit his wife had its shots and could prove it. However, he said there could be situations downtown with people from out of town who cannot. Chair Filiault suggested that this would be a case of being preemptive. He does

not think that when there are a few thousand people downtown that it is the best place to be dragging your dog. With that said, he spoke with the City Attorney about the hope of putting together an ordinance so that people cannot bring their dogs within the footprint of downtown events. Chair Filiault welcomed input.

Vice Chair Jones noted that Ordinance O-2004-15-A was included in the meeting packet and asked if this would be an amendment to that Ordinance, or if a new Ordinance would be created based on festivals. City Manager Ferland thought they would need to look at where it makes sense to include that in the 2004 Ordinance, which has the language specifically for the Pumpkin Festival. She said it might make sense to get rid of that and write some new language in a new Ordinance and repeal O-2004-15-A.

To clarify the types of events, City Manager Ferland asked Chair Filiault whether he was looking at community events, which are specifically licensed and go through the City process; those are the larger events. Chair Filiault agreed that the larger events when there is a certain square footage in the footprint are the most concerning and having dogs be prohibited within the footprint of those major downtown events is what he is looking to achieve. Regarding defining major events, Councilor Haas could see it defined as anytime street closures are involved because that is when people are transiting and walking in different ways than they usually do, and they might be unaccustomed to where the flow goes. City Attorney Palmeira said it was brought to her attention that some events possibly have closures of very small roads that do not actually disrupt much and may not have a significant footprint; she said it might not be the same targeted event the Chair was thinking of if talking about an Ordinance. She said they might need to be aware of whether some events will fit into this concept.

The City Manager said that was why she talked about community events, which are specifically defined. Those are events that come before the Council each year for some funding; they are the larger events that get licenses through the City. Chair Filiault agreed, stating that he thought it is there that there is potential for a problem because you are within a footprint, which the dogs get crowded into. He called it a good place to start and said it could be expanded down the road. Chair Filiault said this would be a new Ordinance, which would be enforced by the City and not by the event organizers. He cited the case of the Pumpkin Festival, which at this time has no Police; he said there is not an Ordinance that the Police enforce. It is set up so the event organizers must enforce the Ordinance, which puts an unnecessary burden on them and can put the average person in some uncomfortable situations. He said it would be different if it were a Police Officer enforcing it. He said public information would help also. The City Manager said that she thought if the Council were to do this, she talked with the City Attorney about including it within event licenses, to state that dogs are not allowed in the footprint of the event. Councilor Williams brought up the example of No King's Day as an instance when this would not apply, and Chair Filiault agreed because there is not a footprint, although Councilor Williams said it uses the Gazebo. In general, Councilor Williams said political events (small to large) happen there, and he thought it should generally be kept out of this category.

Councilor Haas asked if it could be possible to create this ordinance the Committee was tending toward for all community events, but then empower the protocol committees to make exceptions, if possible, as needed where appropriate. The City Attorney understood the protocol was that these details would usually come up during the process with licensed events and there is a distinction between having something in the license and having an Ordinance separate from license conditions, so that it is enforced by police, which Chair Filiault was seeking. If the stipulation were through the license/protocol process, it would be something the license holders would be responsible for

enforcing. Chair Filiault said that would be like what exists now for Pumpkin Festival. The City Attorney clarified that the Pumpkin Festival Ordinance in the City Code is a prohibition enforced by the Police, but it is currently the only event identified as such in the Code.

Chair Filiault said he did not disagree with Councilor Williams, but like all things where politicians get together, he did not want to overcomplicate it. He wanted to start with the footprints of City events and if there is a need to expand, they could. Chair Filiault wanted to get something they could enforce sooner than later. He reiterated that it could be expanded later. Chair Filiault said the City had been lucky so far and stated that if somebody gets bit on City property, no matter who is organizing the event, they are coming after the City.

Vice Chair Jones asked for this to come back as a draft Ordinance, so it would not have to be amended through many versions. Chair Filiault said he talked to the City Attorney about having a draft to get most of the decisions out of the Committee.

Chair Filiault opened the floor to public comments.

At Large City Councilor Michele Chalice wondered about the criteria of when surrounding streets are blocked off and whether the isolated area created by the City's large trucks and concrete barriers could be the trigger for the associated size that would make this necessary. Chair Filiault said he heard what the Councilor was saying but that usually within a bigger footprint, it means a bigger crowd and vice versa; a smaller footprint does not necessarily make it any easier, it is just going to be more concentrated.

He personally wanted to try to keep it simple and make it start off with downtown events. Chair Filiault agreed about bringing back a draft ordinance, so the Committee could get it right and it would not be kicked back by the full Council.

Councilor Ruttle-Miller noted that she likes dogs (they all do), but that there are specific instances when she could see that this could be problematic. On the other side, she said most of the time, dogs she has seen at these events do not want to be there; they are there because of somebody who does not understand that their dog does not want to be there. It is way too much pressure for that animal to behave in that scenario. Then, she said there could be a lovely person with a dog at Pride Festival wearing a "hug me" shirt, which is nice and well behaved. Councilor Ruttle-Miller noted that unless it were an actual service animal, this would not preclude that. She stated this would also cut out any sort of emotional support animals, which do not fall under the same regulation. Chair Filiault said he was not disagreeing with Councilor Ruttle-Miller: Chair Filiault and his wife love dogs, until they get bit by one. Councilor Ruttle-Miller stated that this is a hard topic for her and it has nothing to do with the dogs and everything to do with the people putting dogs in bad situations. Chair Filiault said they are all dog lovers.

Councilor Haas said they would hear from the dog lovers when this comes to full Council. He said one thing to have in mind for the future is how the City defines service dogs or emotional comfort dogs. Chair Filiault said service dogs are totally separate, and every dog is an emotional comfort dog.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City

Attorney draft an ordinance restricting dogs at all licensed downtown community events and return it as a draft at the next PLD meeting.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Jones - Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities**

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities be referred to the Planning Board.

Attachments:

None

Background:

Chair Filiault welcomed comments from the petitioner, Councilor Philip Jones. Vice Chair Jones said he first got thinking about this when he was up in the Statehouse and there was a bill before the house. It was Senate Bill 439, which would have allowed these entities to happen in any industrial or commercial zones of a municipality. Fortunately, it was tabled at the House and never brought back, so it died on the table, he said thankfully. He said that got his mind going about this. He noted it had been in the news a lot lately. He cited that Arizona had 180 of these data centers suddenly; they decided they wanted to be reactive, and they are suddenly finding out there are a lot of things they do not like about them, so they are putting a moratorium on them. Vice Chair Jones explained that Texas was inviting them to come to their state. Now, just this week, Governor Scott decided that they need to have regulations. The Governor of New York just introduced a two-year moratorium so they can create more regulations. The City of Lowell, Massachusetts, has the largest data center in New England and Councilor Jones said they were going through lots of problems with the neighbors, for example. They have 28 generators running all day long with long diesel spewing fumes, with the diesel motors going all the time (air conditioners on the roof are humming all the time because they must keep it cool). So, he said it is bad quality of life for the people in Lowell, and they are finding out the hard way.

Vice Chair Jones said the reason for suggesting a two-year moratorium is an indefinite sunset. He was asking for the two weeks so the Committee could be educated; there is a lot on social media, and they do not know what to believe. He called the keyword *impact*. He thought one way they could

educate people on this would be to have a presentation or report from the Energy and Climate Committee on how this would impact Keene's Sustainable Energy Plan, the 2015 Greenhouse Gas Emissions report, and how it would affect Keene adapting to climate change. He wondered how it would affect Keene's 2004 Climate Action Plan. He also thought about the Community Development perspective and how the data centers would affect Keene's Master Plan; the Building, Health, and Fire Codes; the Water Department; and the Assessing Department and certain neighborhoods. He thought it would be great to hear from the Monadnock Economic Development Corporation because they might have another side to it: they might have the features and benefits to the City, especially ratables and employ-ables. He also thought the Council should hear from Southwest Region Planning Commission because this should be a regional issue. Vice Chair Jones added input from the New Hampshire Department of Environmental Services would be beneficial because they may already have some restrictions and they could help the City to write some restrictions or regulations. He also believes that the New Hampshire Public Utilities Commission already has some regulations that would be great for the Council to hear. He suggested hearing from Eversource and Liberty Utilities as well about what is available for power (e.g., some of these places run off propane gas). He said there is a lot to be learned about all of this. Finally, he said the Council should hear from the public about this because it could affect their neighborhoods. He was not saying the City should not have data centers, he was just saying the Council should be proactive and not reactive.

Vice Chair Jones said he asked City staff whether a resolution or an ordinance would be more appropriate, because an ordinance creates a law and a resolution creates a policy. Chair Filiault said he spoke with City Attorney Palmeira about that today and her recommendation was that the next step should be to send this to the Planning Board. Chair Filiault asked if that would be the correct procedure. City Attorney Palmeira said there is a specific channel to go through for the process they would recommend for the moratorium. There is a state statute on moratoria, and it is specifically for all the reasons Vice Chair Jones just described; these are all the various areas of information we want to adhere to while regulating it.

The City Attorney said it would take a lot of research and a lot of understanding. She stated that a moratorium is the tool to freeze the status quo and to prevent any development while the City is doing that research. She said the moratorium does get referred to the Planning Board and first, the Planning Board by statute makes a recommendation of the need for a moratorium on the specific categories of use. Then, that recommendation would come to the legislative body, our City Council, to pass an ordinance. So, the City Attorney noted that the statute says that it would go through an ordinance. She also wanted to flag that the statute states a time frame for a moratorium of no more than one year, so the City would try to get all its work done in that time period.

Chair Filiault recalled that the City would not set a precedent here because as mentioned, the Town of Nottingham, New Hampshire, and others have already made moratoria. That reminded Vice Chair Jones that there was a recent announcement that the Governor of New Hampshire was going to request a moratorium because of Nottingham and now Bow, New Hampshire, dealing with issues. He said unfortunately, the Governor is putting it through the budget process, which means it would go to House Bill 2, which is the "Christmas Tree Bill" where everybody puts their "ornaments" on it. It would not even be heard until April 2027, and it would not be finished until June 2027. Vice Chair Jones thought that was too much time. He thought Keene should get something on the books before that happens because there is no guarantee she would even be the Governor; there is no guarantee what the House and Senate would do.

Councilor Haas thought there was a process laid out where it goes through the Planning Board and

he imagined this Committee would make that recommendation. Reviewing the Land Development Code as the Committee had, Councilor Haas said there were virtually no limitations as such right now. The LDC does define data centers, but they are widely permitted with no special restrictions. He appreciated the City Attorney's guidance.

Councilor Williams said he had a few thoughts. First was that he was not terribly concerned about data centers opening in Keene soon because our price of electricity is so expensive. He said they are opening in Texas and Arizona, which are places with ample solar renewable energy, and that is really what these things are moving into to take advantage of. Councilor Williams added that data centers have some very negative environmental effects. He cited particular concern about the effect on water: not just that it uses water, but that it heats water up, which is terrible for an ecosystem if it is then released into the environment. Nevertheless, he said he was not super concerned about them opening in Keene. He said we could see that here. Which was not to say he was against a moratorium. Yet he wanted to make sure it is not "bigfooting a lot of the, I wouldn't call them a data center." He compared these giga scale centers with their own power plants to the office where he works, which has a server room and several racks of servers. He would like to continue being able to have a server room and several racks of servers. He would like to be able to build that without too much hassle anywhere in Keene. Councilor Williams said he recognized there is a certain scale at which the City would probably want to say, "let's not do that," but he wanted to understand what that scale is before agreeing to a moratorium.

Vice Chair Jones added that at the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee meeting he would have a request for definitions to use for zoning purposes. He said it would be a little bit different than how they are identified as uses within certain zones. He thought they would probably be conditional uses or overlays, where they can be regulated and not put up against neighborhoods (e.g., like the City did with casinos). Vice Chair Jones asked whether the Planning Board (PB) would make a recommendation that would come back to the Council, because the Planning Board cannot create an ordinance, the Council can. The City Attorney said that is right.

The City Attorney said, to Councilor Williams' question, part of the City Council's requirement for creating a moratorium is identifying categories of development to which the ordinance applies. She said staff spoke internally about how data centers are already defined and the City's own IT Department was a little concerned about prohibiting its own servers. So, there would be an intent to narrow it down to not prohibit what the City wants and have it really serve as a temporary definition while staff do the work for the Zoning Ordinance. To Vice Chair Jones, the City Attorney said he was correct and that his letter would be coming up at the Joint PB-PLD Committee, starting the conversation of how the City is going to define data centers for more of a permanent Zoning Ordinance, not the temporary one that would be in the moratorium. The City Attorney's office will be at the Joint Committee to talk about that, and their recommendation is going to be if this Council does suggest going forward with a moratorium, then the Joint Committee should put that on more time while the moratorium gets in place. Then, that would be the trigger to start the long-term work for the regulation. Vice Chair Jones said that was exactly the way he would like to see it and thanked the City Attorney.

Mayor Jay Kahn (of Mountain View Drive) said it was good to hear the one-year guard rail. He thought it was helpful that there would be some standard established across the state. He thought there would be a lot of evidence that comes from legislation, regardless of whether it is finalized in April, but he thought Keene was clearly in an investigative point in our country. He did not think that anybody wanted to act out of fear in prohibition because this is progress and we ought to be trying to

set up what are the appropriate guardrails to that progress. The Mayor shared a story about being on Dan Mitchell's radio show and discussing data centers in Keene. He agreed with Councilor Williams about questioning the definition of a data center. Mayor Kahn said there are lots of potential data centers: there is a website on WMUR listing about one dozen in New Hampshire; four of those are under the name of First Light and one of those First Light locations is in Keene. There is also one in Lebanon, Portsmouth, and Manchester. The Mayor said the City does not want to put a prohibition or a moratorium on existing data centers; they are not causing much harm currently and he has not heard complaints. So, Mayor Kahn said the City's definitions really need to be forthcoming. He suspected if this went to the PB, there would be a Public Hearing. There is not necessarily action to be taken following a Public Hearing but at least the Council would get more perspective on what the definitions ought to be. Mayor Kahn called it a good question that Vice Chair Jones raised. The Mayor said the City does not want to make guidelines that inhibit current uses because its definitions were not accurate enough.

Al Smith (of Keene) has lived in Keene for one year and has 30 years' experience in the data center industry working for a private company, which wrapped up with the design and build of data centers globally (a private company; they were all very small). The question Mr. Smith kept coming back to is "what is a data center?" He worked with ASHRAE and some other significant industry experts and said no one can answer the question because they range from a small telecom closet to in the case of Lowell, 350,000 square foot buildings, which is a reuse of an old factory. Mr. Smith called the latter a great opportunity, but it does come with the negatives: the noise, the diesel exhaust. In the company he worked for, they ran generator tests every single week on a Tuesday morning and they knew not to park their cars near the exhaust, or they would be covered in diesel soot. He provided other examples of how neighbors might have been disrupted on the weekends. He explained the noise that comes from the commercial locations, which could be next to residential locations, and it is very concerning because the noise carries. He shared experience of being at "data center row" in Ashburn, VA, stating that they never get a break. Mr. Smith commented on how the background humming noise is still there even when the cicadas go away. He said to imagine that in this nice valley, stating that it would be all anyone hears in the background: there would never be another quiet night.

Mr. Smith continued that most companies who are building a data center are going to get a deal with an electric company because they are buying a lot of power, so they get a better price, and that is something else to be concerned with as well, because that raises the demand. If they are getting a better price, then the people who are just living in a house that are not making a big payment are not going to get the same deal. Those are the concerns Mr. Smith has as a resident. He continued about when you start talking about the thousands of gallons of water. It is not always cooling; sometimes it adds humidity to keep the equipment running. He pointed out that Keene is not heavily connected. Unlike Lowell, Keene does not have a main heavy duty fiber connection into Boston. That is why Lowell was a potential connection. So, Mr. Smith said there are a lot of negatives. He knew one of the big pluses was that states like Texas and Arizona were convincing companies to move there. He said that does not make sense when you look at the water requirement, and they promise jobs. Mr. Smith wanted to warn people, having worked in a couple of data centers that were 50,000 plus square feet, he said they minimize the number of people on the floor: there are not a lot of jobs actually on site, they are remote workers doing things, possibly in another country sending the instructions to those servers. He said for every positive that is sold there is a negative. He added that they are great for construction jobs in the short term, but he did not think there were any companies in Keene that were experts at building data centers; they would come in from outside as well.

Vice Chair Jones asked, when Mr. Smith said Keene does not have the connection, was he talking about the data connection? Mr. Smith said yes, the heavy-duty fiber connectivity to bring in gigabits of data transfer, which would be more in the metropolitan areas. He discussed the subsea cables that come across the Atlantic Ocean, terminating in Virginia, making Ashburn, Virginia, the perfect spot for data centers. Boston has some of that connectivity as well, in addition to New York. Without access to subsea cables, Mr. Smith said it would be less likely that companies would move heavy duty colocation facilities like the one in Lowell, Massachusetts, to Keene, New Hampshire. It would involve a lot of heavy-duty trenching and underground work. Mr. Smith shared an experience building a remote site in Western Maryland and leasing cables that were run already along Route 70 all the way up to Colorado. The big telecommunication companies have already put these in; they generally stick to the major highways. He said Brattleboro is closer to Hwy-91, so those commercial facilities would be more readily available to connect than Keene's. Mr. Smith called it something to think about, stating it was nothing to do with the moratorium and more to do with education. He closed by stating the four things needed for data centers: (1) water, (2) power, (3) cooling, and (4) connectivity. Vice Chair Jones appreciated Mr. Smith as an excellent resource.

Councilor Williams reiterated what Mr. Smith said about connectivity. Councilor Williams investigated hosting servers in Keene. It is far more expensive because of the lack of connectivity.

Chuck Redfern (of 9 Colby Street) thanked Mr. Smith for providing great information. In Mr. Redfern's opinion, stating he is no expert at this, but he thought Mr. Smith did throw a bit of a cautionary tale not to jump into it with blinders. Mr. Redfern said that feeds into the need for a moratorium, not to stop it, but to give us a chance to figure it out. Technology is moving at a rapid rate, just like so many things in the technology field, but this is one that we need to grasp where in Keene a data center would likely go. He said a lot of things in the "unknown" column end up in the East Keene neighborhood, where he resides. So, Mr. Redfern had some concerns that he wanted addressed during the moratorium. He would like to look at the other towns that were mentioned and do an AI of the pros/cons on the subject. He mentioned considerations like noise generated from the AC units on roof fixtures. He asked why to be the first in the area to implement it. He asked what would be wrong with a relatively short moratorium of one year, which he hoped would be two years; he felt one year was short. Mr. Redfern said the output value to the community has got to be the bottom-line question. He said we must somehow limit the output from these facilities (i.e., water use, which is precious). Mr. Redfern cited a Mayoral study from a few years ago about trends occurring with the water supply and change in the environment with global warming. Mr. Redfern said this is something that must be careful and well thought out. He said none in the room were experts; the closest was probably Councilor Jones. Mr. Redfern asked whether this would be going to the Joint PB-PLD Committee, and Vice Chair Jones said no, the Planning Board. The City Attorney clarified that Vice Chair Jones submitted two letters so there were two tracks: (1) if this Committee recommended to the City Council to refer this to the PB, (2) if that gets carried out the second letter from Vice Chair Jones, would be at the Joint PB-PLD Committee, concerning definitions for a data center. Mr. Redfern concluded by stating that he does question the value of cryptocurrency and whether it is a value to our society or not. He suggested a moratorium to do some more serious research on this.

Robin Walden (157 Pako Avenue) said she has a lot of concerns around data centers in our community. First, electricity. Also, a lot of times when data centers install new plants, substations, and lines, often those costs get downshifted to residential customers. Ms. Walden cited water usage; any research she had done, or news reports, showed that communities near these data centers do not have water pressure. She asked what would happen if that occurred in Keene? Next, she cited the constant noise of the data centers. Ms. Walden stated that she has lived a blessed and quiet life

at her home for the last 29 years and she is not looking to change that. She said the diesel generators emit fumes and fine particle pollutants that harm local air quality and human health: the decibels emitted from these generators can reach 90 decibels and levels over 85 are harmful to hearing. Ms. Walden mentioned lower property values and the taxes: "if I ever go to sell my house and there's a data center near me, that's not going to happen.

I'm not going to recoup what I've put in." Her research agreed that there are far fewer jobs after data centers are built. For the case in Lowell, Massachusetts, she believed they had 12 people on site for that massive facility. So, she thought that advertising more jobs to Keene would be a false narrative. She also read that public health researchers have started evaluating how the broader environmental and structural footprints of data centers, specifically emissions from generators, cooling chemicals, and resource strain, could indirectly act as risk factors for reproductive health. Finally, Ms. Walden mentioned wildlife: we are disrupting their ecosystems, pulling water from rivers, and disrupting all of that. Ms. Walden stated that she would love the whole thing kiboshed but would be happy if the Council at least did a moratorium to look into this further. She does not think the City should put progress ahead of human health and quality of life.

Councilor Laura Tobin (of Center Street) said she, like a lot of people, has concerns. She thought there were a lot of unanswered questions. She cited a couple of things she hoped the Council would consider if it chose to do a moratorium. She cited the City's renewable energy goals and how that would fit in with this. She noted that a lot of people are using AI now, and she wondered what the City's fair share is of carrying that infrastructure. She wondered how that fit in with the PB's Process. She does not want to be the City that says we have to just build somewhere else; she felt that the City had been there with a lot of other things too.

Eli [last name not given] (of Keene) said his concern is about the ecosystem and the environment. He has some knowledge in that as a fisherman. He said the biggest thing is studying and knowing your environment and how the ecosystem works. He noted there are a lot of great ecosystems locally in and around Keene, and if you are pulling water from the watersheds to cool that down, possible pollutants could easily cripple some of the great ecosystems we have. Let alone he said it is probably not the best for animals or human consumption on top of that if it produces a noise. He noted that high humming and everything else is not the best for anyone's health, from animals to people, and could lead to some different syndromes. Still, Eli said the biggest thing is the not the water being cooled but the pollutants that cripple the ecosystem and make it a lot rougher for outdoorsmen especially to make money from guiding and everything else that is very fragile. It could very well impact the environments locally too. Eli said that is the biggest thing to keep in mind when doing research into it: it is something that a lot of the outdoorsman would want the Council to keep in mind. He said on top of whether this is something that we should allow in our communities or not.

Councilor Michele Chalice said she received two calls about this, so she thanked Councilor/State Representative Jones for bringing this to the Council's attention. The two calls Councilor Chalice received were requests to add U.S. Department of Human Services Immigration and Customs Enforcement (ICE) detention centers to the list of data centers and cryptocurrency mining facilities due to the fact that a large facility would be potentially having similar impacts to our natural resources: water quality, water quantity, air quality, and potential sound disturbances. They were specifically requesting that if the Council were going to go through all this research that they would make sure they cover all their bases of potential large impacts to our community by these larger developments. Vice Chair Jones stated that detention centers were in his request to the PB-PLD Committee for definitions.

Jeannie Kingsbury (of Spruce Street) was glad to be having this meeting on data centers and about these broader impacts that can be called progress, but she questioned whether progress is so great when we live in a bowl. So, she said all that noise and pollution is trapped here with all of us; it is foggy, you can smell things, and you can see the pollution. She said they already get poor air quality alerts on their phones, and this would have an impact. She said these other places like Texas and Arizona are large, big, flat areas with a lot less populace, where the noise is less of a problem. Whereas in Keene, with the populace the noise and pollution would be a problem. She said it would not bring in jobs, citing the example from Lowell. She said these data centers are meant to replace people and jobs nationwide, which is why the people with the money are pushing for them. So, Ms. Kingsbury said the Council has to look at what kind of community we want here in Keene: do you want a welcoming community to manufacturers or companies that are actually going to employ people or places that are actually going to work to get rid of people. She was glad that the City was saying that it needs to slow down on this and look at what is going on. She agreed that there are businesses with server rooms, yes, but said those businesses employ a lot of people, using the hospital as a prime example. In the big scheme of things she said they were talking about impacts to people, to public lands and animals, and the environment. Ms. Kingsbury was glad Keene was saying to investigate this a little bit more. She said we cannot just let these companies steamroll themselves in saying progress, because progress is not always a good thing. Chair Filiault agreed.

Terry Clark (of 14 Barrett Avenue) did not come to necessarily speak for or against data centers, AI, or any of that, because as been noted, data centers and AI have been around here for a long time. The data centers especially. He thought the reason that we had been hearing so much about it is the dramatic increase in the interest in AI and in the number of companies that have that have formed to get into it in a big way. Mr. Clark is a member of the Nonpartisan National Association of Counties, Energy, and Land Use Steering Committee, which has been helping to craft a resolution urging protection of local authority over data centers, data privacy processing facilities, and which include cryptocurrency mining operations. He said the reason they got involved is because President Trump, in March of 2026, issued an executive order 14-318 titled Accelerating Federal Permitting of Data Center Infrastructure that was directing federal agencies to ease regulatory burdens and rapidly build out large data center projects. He said the translation of that is to cut local governments out of the regulatory loop and forego the usual impact studies that could identify problems and implement solutions. State and federal lawmakers have already proposed or enacted legislation that limits or prohibits local governments from regulating the development of these energy and water hungry facilities, and it had been noted about the price of electricity around these data centers. Mr. Clark said utility customers in Maryland and Washington, DC, are some of the first in the country to see the effects of the data center boom show up on their residential electricity bills. Much of that price increase is due to the anticipation of future demand. That is the way the pricing works and is a part of the reason we have very high energy costs in New England data centers; they can be built faster than new supply resources like power plants, so the market is not competitive because projected demand exceeds supply and new supply cannot be timely built to restrain the prices.

Mr. Clark said the Nonpartisan National Association of Counties, Energy, and Land Use Steering Committee's proposal urges Congress to pass legislation to protect the authority of local governments to regulate, restrict, or ban data centers within their jurisdictions. The National Association of Counties, Energy, and Land Use Steering Committee is a 3,600-county strong organization that has been very effective in influencing the actions of Congress. So, Mr. Clark said the technology is here to stay, and he does not really oppose it; in fact, it can be beneficial if applied with proper safeguards. He said that if we do not let technology get ahead of the society curve. We

will have a medical breakthrough and implement something just to find out that this miracle drug causes mass addiction, for example. So, he said we must be careful to slow things down, so that we can understand them before we start acting with them. Mr. Clark thanked the Councilman for bringing it all up because we really need time to sort all these things out. He said there are a lot of really serious questions: who owns and benefits from the technology and the centers, and where are they best located? How do we safeguard our electrical grid and water supplies? Most importantly, who makes those decisions? Mr. Clark was glad the Council was getting involved because this was really taking off at the County level and he hoped the City would be successful.

Vice Chair Jones agreed with motion but first wanted to ask the City Manager if the various entities, boards, departments, and so on that he mentioned in the beginning could be notified and asked if they would like to present some data that the Council or Planning Board could use in their research. The City Manager thought we would want to invite them to the Planning Board for their process when they are considered. Vice Chair Jones said that was what he was asking: for the Planning Board Public Hearing.

The following motion by Vice Chair Jones was duly seconded by Chair Filiault.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities be referred to the Planning Board.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **FY25 Audited Financial Statements Presentation - CBIZ CPAs, P.C.**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends accepting the presentation on FY25 Audited Financial Statements by CBIZ CPAs, P.C. as informational.

Attachments:

None

Background:

Finance Director, Kari Chamberlain addressed the Committee and welcomed the auditors joining the Committee remotely.

Auditors Scott Warnetsky and Amar Jalilovich addressed the Committee. Mr. Warnetsky explained that the audit process involves performing procedures on obtaining evidence about the amounts and disclosures in the financial statements. He stated they use different audit techniques in order to obtain reasonable assurance regarding the City's financial statements. They sample items but don't look at every single transaction and balance of the City. He indicated they verify that the financial statements are materially accurate and fairly presented.

As far as responsibilities, they are hired to express an opinion on the financial statements based on their audit procedures. Mr. Warnetsky noted the ultimate responsibility for the financial statements is City management.

He went on to say, auditors are not expressing an opinion on internal controls. Because the City is a government, they perform their audit in accordance with two sets of auditing standards; Government auditing standards as well as generally accepted auditing standards. For all intents and purposes, they are largely the same, with a few enhancements on the government auditing standards. One of those is the requirement for auditors to report to the Finance Committee any deficiencies.

Mr. Jalilovich addressed the Committee next and stated he wanted to provide a brief context over the financial statements that they audited for fiscal year 2025. He stated the City received an unmodified or clean audit opinion, which means the financial statements are fairly presented in accordance with

applicable accounting standards. He explained the financial statements are designed to provide two different perspectives on City finances.

The government-wide statements provide a longer-term perspective, looking at the City as a whole, including long-term assets and liabilities. While the fund financial statements provide a more short-term perspective, particularly for the City's governmental funds, the management discussion and analysis are intended to help put those numbers into context.

The notes and required supplementary information provide additional details behind the numbers and explain some of the City's more significant accounting principles, balances and activities.

Lastly, it is worth noting that the City has continued to receive the GFOA Certificate of Achievement for Excellence in financial reporting, which speaks to the quality and the transparency of the City's overall financial reporting.

Mr. Warnetsky next referred to actual budgeted amounts and variances. He spoke about the General Fund unassigned fund balance and explained that the numbers indicated might not always be a one-for-one comparison. He felt the unassigned fund balance was healthy overall.

Mr. Warnetsky next addressed Pension Liability. He stated these numbers fluctuate year after year. He indicated the liabilities allocated to the City from NHRS are related to net liability and those assets fluctuate over time; depending on how those investments perform in a particular fiscal year can send that net liability up and down over time. As of today, it is a \$35 million liability, which is going to be funded over time. This concluded the auditors' comments.

Councilor Chalice referred to the last slide, GISB 104 Disclosure of Certain Capital Assets Standard is expected to require certain information regarding capital assets to be presented by major class. The Councilor asked whether major class meant the City would have more information regarding what the capital assets the City is invested in. Mr. Warnetsky explained the accounting term class would be equipment, infrastructure, buildings, and land (fairly broad). GISB 104 would add a little more detail such as leased assets.

The following motion by Councilor Chalice was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends accepting the presentation on FY25 Audited Financial Statements by CBIZ CPAs, P.C. as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Warren Steinberg - Request for Temporary Free Parking within Active Downtown Construction Zones**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the Council grant free parking under the provisions of the Free Parking Policy (Resolution R-2015-11) for on-street public parking spaces within downtown for the remainder of the 2026 construction season, This to be coordinated with the Parking Division. Staff shall report back to the Finance Organization and Personnel Committee before the next construction phase for re-evaluation.

Attachments:

None

Background:

Mr. Warren Steinberg of 36 Concord Hill Drive addressed the Committee and stated he was before the Committee to request the City consider temporary parking relief for the public parking spaces located downtown in the construction area. He stated he submitted this request before construction reached his own business for many reasons. He stated the effects are not limited to the block behind the construction fencing. He is already seeing people on social media indicate they are avoiding downtown because of lane closures, detours, traffic, and uncertainty about access. Mr. Steinberg stated that when someone decides not to come downtown, it affects businesses well beyond the immediate construction zones. He stated the idea is to have a policy that can follow the project rather than repeatedly reacting after businesses have already absorbed the impact.

Mr. Steinberg stated he is not asking for any relief to enforcement. He would like enforcement to continue as it does today with two-hour limits in certain spots, which should remain. However, how this is enforced is something that would need to be discussed. He stated he would like parking relief to be addressed now and consider enforcement at another meeting. He stated he agrees that free parking alone may not be enough to convince someone to navigate construction, it might not fix all issues and it can't eliminate construction lane closures, detours, but, he felt the City can remove one inconvenience.

Mr. Steinberg stated communication is also an important aspect with temporary signs or some sort of

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online notification. This concluded Mr. Steinberg's presentation.

Councilor Chalice stated the Committee has been provided spreadsheets with the different options and agreed there are serious budget considerations.

Chair Powers asked Mr. Steinberg regarding enforcement whether he referred to just that area that is under construction or the entire downtown zone. Mr. Steinberg stated when he originally submitted his request, it was just for areas where active construction was happening but since that time, he has seen the impact construction is having on the entire downtown area.

Parking Manager Chelsea North addressed the Committee next. Ms. North with respect to enforcement stated staff has the capability of enforcing time limits by people registering through the ParkMobile app or at the pay stations which makes it easier for parking officers to perform their time limit monitoring compared to chalking tires which is time consuming and not efficient.

Councilor Lake questioned how free parking in certain sections could be accomplished. Ms. North stated her department works directly with the Communications Director to update social media, online website, and parking maps, which are more interactive. The other option would be to post signs and make sure they are consistent.

Mr. Roger Weinreich of 51 Railroad Street was the next speaker. He stated offering free parking is a mechanism to attract people downtown especially people visiting Keene from out of town. Mr. Weinreich went on to say some cities extend parking beyond 5 PM, especially to address people visiting restaurants. He suggested perhaps free parking from 11 am to 1 PM to attract people to come downtown during their lunch breaks, while also giving people an opportunity to look at the machinery and see what is actually happening downtown.

He went on to say metered parking would start again at 1 PM and extend parking until 7 PM. He felt this could be just an experiment.

Councilor Chalice felt extending parking until 7 PM was a good idea and added people who are coming downtown for meals are ones who could perhaps afford to pay for parking.

Ms. Dorrie Masten Downtown Property Owner and Owner of the Pour House addressed the Committee next. She began by stating that parking is not income-based.

Ms. Masten read the following statement:

I am asking the City Council to provide free parking throughout the entire downtown for the duration of this almost \$30 million infrastructure project. Although construction is divided into three phases on paper, the disruption is not. Construction vehicles and equipment travel throughout the entire downtown. Traffic is congested and redirected. Roads are closed and changed, and customers often cannot tell which businesses remain accessible. The City and its contractor treat this as one project. Casella bid on one project they received one contract and carries insurance covering one project. The three phases are simply a schedule in completing different portions of this work. They do not turn this into three separate projects. If it is one project for bidding, contracting, and insurance, and contractor parking, then it should also be treated as one project when determining which merchants and customers get affected. To the public, the entire downtown feels like a construction zone. This is why the entire downtown, not merely one phase being actively excavated, should

qualify for free parking throughout all of the downtown and all phases. I also want the public to understand what the City's contract with Casella allows.

Casella can use up to 50 downtown parking spaces every day at no charge (at a charge), but it's included in their contract. From what I have regularly observed and as we know, it started in front of Pour House. Casella generally uses about 10, maybe 15 spots a day. I'm not asking the City to take away their parking. Casella genuinely needs that parking to complete their work. I'm pointing out that the City has already recognized that the parking is a legitimate expense and a burden created by this project. The contractor receives that consideration while the merchants and customers suffering from the same construction receive no comparable relief.

Downtown businesses are losing customers and sales because of the congestion, the detours, the equipment traffic, and the perception that downtown is difficult to access. Charging people to park gives them one more reason to just go somewhere else. We did not create these conditions, but we are expected to absorb their financial consequences.

Our mortgages, property taxes, payroll, utilities, and other expenses do not decrease because construction causes our sales to decline. Resolution R-2015-11 gives this Council the framework for suspending parking fees during special circumstances, including construction impacts. Three phases, \$30 million construction of downtown clearly qualifies as a special circumstance. Therefore, I am asking the Council to suspend parking fees throughout the entire downtown for the duration of all phases. The City can continue enforcing reasonable time limits, so space is turned over, and remain available to the customers. Free parking will not eliminate the disruption, but it will send a powerful message; Downtown is open. Customers are welcome and the City stands behind the merchants being asked to endure this project. The City is investing almost \$30 million in downtown's future. Please protect the businesses that are trying to survive to be a part of that future.

Ms. Brandie Wells owner of Shadow and Soul Emporium addressed the Committee next. Ms. Wells stated she has owned her business for nine years. She stated business has declined which forces her to think if she can retain the staff she currently has, or purchase inventory she needs for the holidays. She stated she is hearing from her customers that they are avoiding downtown. Ms. Wells stated she does not want her customers to have to be burdened with having to pay for parking in addition to the inconvenience they are experiencing. She added the notification about construction is not always accurate. She feels it is ironic that the City is worried about their budget impacts of losing parking revenues but she is worried that she might not be in business anymore due to the downtown construction.

Ms. Roberta Mastrogiovanni who is a business owner and downtown merchant agreed the project ahead of us is a needed project but the merchants in downtown need to also survive. She noted her water and sewer bill has gone up 5% and expects taxes to increase as well. Ms. Mastrogiovanni added the economy in general is difficult currently. She felt the free parking for customers is essential, which would help save businesses and in turn the downtown.

Mayor Kahn was the next speaker. He stated the proposal before the Committee needs to be addressed. He felt the City could experiment with some option but did not feel a three-year decision needed to be made right now, perhaps a two-month decision to address the rest of the construction season.

Councilor Haas asked to see the costs with and without construction discussed today and asked that

this information be included in the minutes.

Chair Powers suggested staff meeting with the merchants and come up with an option. The Manager stated this could delay the decision because once a recommendation comes out of the Committee, it has to go to the full City Council which recommendation could be brought to the next Finance meeting versus the normal process of coming back to FOP first. The Chairman stated he wasn't expecting the item to be brought back to FOP.

Councilor Chalice stated the City has the winter to come up with a more creative idea but given there are only two months in the construction season, noted there is a motion in front of the Committee to remove parking for the 2026 construction season. Because time was of the essence. She would support removing parking for this construction season and come up with a plan in the winter for the next construction season. The Manager noted the motion refers to waiving the parking for each construction phase not for the entire downtown but should the Committee wish to change that, it is prerogative of the Committee.

Councilor Greenwald stated he agrees with Councilor Chalice, the City needs to act now and felt the entire downtown needs to be addressed. He commended Casella Construction and City staff but felt finer points are being missed. For example, there could be signs put up that say free parking but people are still likely to plug the meters. The other issue that has been raised is that merchants and the residents would use the spaces and felt this is something that needs to be self-enforced by the merchants and the property owners as well as the two-hour limit needs to be enforced. He felt the request is pennies compared to the entire construction project.

Councilor Lake stated the rough math gives a cost of \$45,000 in addition to what is estimated for the rest of the season. He stated this proposal makes sense and is a marketing tool to attract customers.

Ms. Pamela Slack addressed the Committee and asked how much the City has lost in parking to date. The Manager stated most of the parking used so far has been by Casella and this has been part of the contract but stated she did not have that number today.

The Manager stated instead of using the term date specific suggested remainder of the construction season, should the construction season extend longer.

The following motion by Councilor Lake was duly seconded by Councilor Roberts.

The Finance, Organization and Personnel Committee recommends that the Council grant free parking under the provisions of the Free Parking Policy (Resolution R-2015-11) for on-street public parking spaces within downtown for the remainder of the 2026 construction season, This to be coordinated with the Parking Division. Staff shall report back to the Finance Organization and Personnel Committee before the next construction phase for re-evaluation.

Councilor Roberts stated he will support this request but noted parking is not free; it is a delay. From next year to the end of the construction, there is a \$900,000 shift. To keep the parking account functional and to have the maintenance funds for downtown, the parking charges will need to increase to replace the losses during the free parking.

The Manager stated when this proposal came forward in addition to calculating loss of revenue for construction and free parking, staff also looked at other revenue sources related to the Wells Garage.

She indicated since Council changed parking overnight for downtown, the City has seen a dramatic decrease in revenue. She stated there is an opportunity to open up those spaces that were used for permit parking for public parking. The Parking Manager will be bringing a proposal for Council review.

Councilor Greenwald clarified free parking was only for on-street parking. The Manager agreed.

The motion carried on a 4-0 vote.

Mr. Weinreich suggesting convening a Committee in the winter to review this issue.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of NH Juvenile Court Diversion Network Funding - Youth Services Manager**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

Attachments:

None

Background:

Youth Services Manager Alyssa Bender addressed the Committee and stated each year a certain amount of money is awarded to her department based on prior three years of case numbers. This year, the State decided to transition from the administratively determined subcontract to a needs-based RFA process. The City was fortunate that the full RFA was awarded in the amount of \$46,988. This funding will allow the department to retain a 34-hour Intervention Specialist position. This individual has been with the department and has been expanding their hours throughout each year for the past nearly three years.

The rest of the funding the department was able to receive from this grant allows the department to provide more positive youth activities, trainings, substance use prevention and intervention, and wellness programs. Ms. Bender went on to say that they were able to use the funding that they received last year to expand certifications for the Youth Services Manager and the Intervention Specialist for motivational interviewing, restorative justice training, and to train others on how to hold restorative practice conferences.

She went on to say the statewide diversion network recently underwent an entire evaluation process through Georgetown University. In the past few years, the City has been attaining around a 92% successful completion rate statewide. In 2025, the department specifically for juvenile court diversion for Keene were also at 92% successful completion rate. In 2026, the department has had only four youth that either chose to drop out of the program or needed to be referred for further services. In previous years, the department ranges at around a 90% success rate, but this year for the first time

in the five years the department has seen that number over 90%.

Ms. Bender stated some of the things this funding would assist with; Ms. Bender is one of an eight person New Hampshire team that is currently attending Georgetown University, the McCourt School of Public Policy where they attended an intensive week-long diversion certificate program. This program allows participants to create a capstone project to put together a standardized referral form. This referral form would be used by law enforcement throughout the State. This helps limit the burden law enforcement agencies being forced to train other officers that are moving from a diversion program to another diversion program. For example, the City covers all of Cheshire County, if a law enforcement officer in any of the 23 towns transitions to a different City within the County they would be entering a different diversion program and would have to learn an entirely new process. The hope is to standardize this process and make it easier for everyone.

Ms. Bender stated the City is also in the process of increasing juvenile justice training for all law enforcement agencies in the state. Staff was recently invited to the Police Academy to start increasing their juvenile justice-training category.

Councilor Chalice commended staff for their effort. She stated there is a new drug referred to as Kratom. She asked whether the substance abuse screening completed by the department now include Kratom. Ms. Bender stated they are looking into this and have already connected with the Monadnock Youth Coalition Director to discuss this drug. She went on to say that she has been hearing from youth who know about it. She stated she is also looking to add this drug to the screener they use.

The following motion by Councilor Lake was duly seconded by Councilor Chalice.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **FY26 DOJ Byrne Justice Assistance Grant (JAG) Program Award - Police Captain**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with Cheshire County, NH and to accept and expend the U.S. Department of Justice FY26 Byrne JAG in the amount allocated to the city in the amount of \$6,519.00.

Attachments:

None

Background:

Police Captain Steve Tenney addressed the Committee and stated he was before the Committee regarding the JAG Grant, which he has been before the Committee in the past. This year the City has been awarded \$6,519 dollars, which is about \$1,000 more than last year's award. The funds will be used for cell phones in cruisers as well as data packages for cruisers to keep up with changing times. This is the 16th year for this award.

The following motion by Councilor Chalice was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with Cheshire County, NH and to accept and expend the U.S. Department of Justice FY26 Byrne JAG in the amount allocated to the city in the amount of \$6,519.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of FAA/NHDOT Grant Funding – Wildlife Perimeter Fence Phase II Construction - Airport Director**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding from the Federal Aviation Administration and New Hampshire Department of Transportation for the Wildlife Perimeter Fence Phase II Construction Project, SBG 08-32-2026 and SBG 08-33-2026.

Attachments:

None

Background:

Airport Director Ryan Cooley stated this item is requesting acceptance of two companion state block grants through NHDOT for phase two construction of the airport's wildlife perimeter fence, which has been a project that has been going on for quite some time. He stated the department has an Airport Improvement Grant totaling \$295,657 and an Airport Improvement Program Grant of \$1,847,367, for a combined total of \$2,143,024.

He noted their requested action is to authorize the City Manager to do all things necessary to accept, execute, and expand the grant funding, which together funds 100% of the phase two construction scope. I would like to point out.

He stated the estimate came in under budget.

The following motion by Councilor Lake was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding from the Federal Aviation Administration and New Hampshire Department of Transportation for the Wildlife Perimeter Fence Phase II Construction Project, SBG 08-32-2026 and SBG 08-33-2026.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Carry Forward Request - 2026 Unspent Wages - to Support Two One-time Community Development Department Expenditures - Community Development Director**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the Community Development Department to carry forward \$32,500 in unexpended Fiscal Year 2026 personnel appropriations and repurpose those funds to pay for the conversion of the Land Development Code to the online Municode system and to provide a local match for a Building Resilient Infrastructure and Communities (BRIC) match.

Attachments:

None

Background:

Community Development Director Paul Andrus addressed the Committee next. Mr. Andrus stated tonight's request is for authorization to carry over \$32,500 in FY26 unspent wages to fund two one-time Community Development line items.

The first item is the conversion of the Land Development Code in its current state to transfer over to Municode with the rest of City Code. This will bring it in line with the rest of the City Code, but also bring it in line with the upcoming ADA accessibility requirements with the changes in the City website. \$17,000 for initial conversion plus \$3,000 to accommodate amendments during the first year.

The second item is for a match for the Building Resilient Infrastructure and Communities Grant funding. The Department applied for a \$37,500 grant for software and equipment for electronic plan review capabilities as part of the City's Hazard Mitigation program. This will enhance the department's abilities to continue with the new permitting system (Open Gov System).

The department should hear about receipt by end of this year but this would at least match what is accounted for.

Councilor Lake asked by bringing the entire LDC over to Municode whether there will be any

additional fees accrued because of the extra capacity. Mr. Andrus stated his understanding is that there will be recurring cost on top of what the Clerk's Office is currently paying for those Municode updates. Hence, the reason for at least the first year, requesting funds to be able to cover that. In subsequent years, it would need to be accounted in the normal budget process. The Councilor asked whether Mr. Andrus knows what those costs might. Mr. Andrus stated he did not at this time and it will depend on how much the LDC is updated.

The following motion by Councilor Roberts was duly seconded by Councilor Chalice.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the Community Development Department to carry forward \$32,500 in unexpended Fiscal Year 2026 personnel appropriations and repurpose those funds to pay for the conversion of the Land Development Code to the online Municode system and to provide a local match for a Building Resilient Infrastructure and Communities (BRIC) match.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2025 Hazmat Equipment Grant - Period of Performance Extension - Fire Chief**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute the 2025 Homeland Security Grant agreement amendment.

Attachments:

None

Background:

Fire Chief Seymour stated he was before the Committee requesting authorization for the City Manager to be authorized to do all things necessary to execute a 2025 Homeland Security Grant amendment extending the period of performance for that grant from September 30, 2026 to August 31, 2028. He stated there were no other material changes to the grant. This is recommended after some changes to purchasing requirements giving staff time to complete those changes.

The following motion by Councilor Chalice was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute the 2025 Homeland Security Grant agreement amendment.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: FY28 Ambulance Replacement - Fire Chief

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a contract with Autotronics of Maine for the purchase and construction of the Fire Department ambulance.

Attachments:

None

Background:

Chief Seymour stated the next item is to recommend the City Manager be authorized to do all things necessary to execute a contract with Autotronics for the purchase and construction of the new Fire Ambulance. He stated this is coming as a request to order the ambulance early. He stated the item is currently in the CIP for 2028 to order a new ambulance. The Chief stated the department has been having fleet issues as it relates to diesel motors.

In order to get ahead of these issues, the department would like to process the order now so it arrives in July/August of 2028 versus ordering in July/August 2028, which will place receipt of the truck out 24 to 36 months. Ordering it now will enable receipt of the ambulance in the next fiscal year.

Councilor Lake asked whether the City would be expending funds this year instead of in 2028. Chief Seymour stated it is payment on delivery. The City would not have to spend anything until next year.

Councilor Chalice stated she likes the idea of not paying 5% – 10% extra by purchasing the item sooner.

The following motion by Councilor Lake was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a contract with Autotronics of Maine for the purchase and construction of the Fire Department ambulance.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: LWCF Grant Round 33 Amendment - Skate Park - Deputy City Manager

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept and execute an amendment to Land and Water Conservation Fund sub-grant #33-00761_Patricia T Russell Park-II, with the State of New Hampshire to increase the award limit by \$75,000 (from \$225,000 to \$300,000), and to extend the completion date by one-year (from 9/30/2026 to 9/30/2027), and to increase the agreed-to project scope further including a parking lot and pathway extensions at Patricia T Russell Park in addition to the development of the skate park.

Attachments:

None

Background:

City Engineer Bryan Ruoff addressed the item on behalf of the Deputy City Manager. He stated this item is a request for the City Manager to be authorized to accept and execute an amendment to the existing Land and Water Conservation Fund sub-grant for the Patricia T Russell Park and Skate Park site.

He noted that about 18 months ago, the City successfully completed the demolition of the Findings building property as part of that demolition the monitoring wells that were on that site were accidentally removed. The City's consultant reached out to DES to relocate these wells, DES has advised the City to wait on the relocation of the wells due to soil issues. The Deputy City Manager as a result look at incorporating a parking area that covers that area of contaminated soils that DES is concerned about. He also concurrently asked the Land and Water Conservation Fund Grant Committee if the City could receive an amendment for additional funds for that construction. The City has applied for those funds which have been conditionally approved. Staff is now looking for approval to accept and execute these grant funds.

Mr. Ruoff stated staff has gone before the MSFI Committee regarding this project and discussed some features that could be added as part of the project based on community and Council input.

Councilor Chalice stated the community has had a hard time with this part of the Pat Russell Park. These decisions were made very quickly and felt there could have been other options rather than adding another parking lot. She stated the community and the Conservation Commission have been encouraged by the negotiations, discussions and creative problem solving that has gone on to date and are looking forward to that continuing to move forward. She stated she looks forward to continuing discussions with the community as they finish these decisions.

The following motion by Councilor Roberts was duly seconded by Councilor Chadbourne.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept and execute an amendment to Land and Water Conservation Fund sub-grant #33-00761_Patricia T Russell Park-II, with the State of New Hampshire to increase the award limit by \$75,000 (from \$225,000 to \$300,000), and to extend the completion date by one-year (from 9/30/2026 to 9/30/2027), and to increase the agreed-to project scope further including a parking lot and pathway extensions at Patricia T Russell Park in addition to the development of the skate park.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to the Execution of an Agreement with KeyNetGPS - City Engineer

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Participant Agreement with KeyNetGPS.

Attachments:

None

Background:

City Engineer Bryan Ruoff addressed the next time. This item relates to an agreement with KeyNet GPS. He stated the City has worked with this entity for the past 15 years. With this agreement, the City agrees to let them use our GPS base station to expand their network. It is essential infrastructure for the engineering division in order to design and construct projects. As part of that agreement, KeyNet GPS pays the City \$2,000 a year for the added coverage that they get from being able to utilize the City's base station.

The last agreement the City had with this entity has expired but are continuing to pay the City under the terms of the previous agreement.

Councilor Lake asked who would be a typical user of this product. Mr. Ruoff stated the simplistic way to explain this item is that it is a signal booster. Other individuals doing surveys get a better signal and better coverage by being able to use the City's signal and boost KeyNet's signal, which extends from Virginia to Maine. He stated it is mutually beneficial for the City and the community at large.

Councilor Chalice stated she is nervous about our data being out in the digital. She asked whether third parties will now be involved with this data and would this data become more vulnerable to commercial applications being able to access it. Mr. Ruoff stated this is not data as much as it is a signal.

The City has a base station that provides a signal for its GPS units. The City needs that to perform engineering tasks. The Councilor clarified our data is not being shared, we are just permitting their signal to become stronger. Mr. Ruoff agreed.

Councilor Haas asked whether the City requests an increase in the cost of \$2,000 because KeyNet GPS is getting much more use out the City's base station as they grow their business.

Mr. Ruoff stated it is written into the agreement; it is percentage-based on the revenue they generate. The \$2,000 is just a rough estimate. Recently, the City has seen it closer to \$3,000.

The following motion by Councilor Chalice was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Participant Agreement with KeyNetGPS.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.13.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Execution of a Change Order with Structural Preservation Services - City Engineer**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Structural Preservation Services, Inc in an amount not to exceed \$65,325 for the City Hall Parking Garage Rehab Project (22M006AA).

Attachments:

None

Background:

Mr. Ruoff stated this item relates to the execution of a change order or structural preservation services for the City Hall parking garage project. The City awarded the project with just the base bid. Additional needs have now been added to extend the life of that structure and maximize the benefit of those repairs, for example, items such having the upper deck as a lighted area, seal coat which lasts ten years versus just two years, additional steel repairs. Because of these changes additional repairs were identified during construction.

Mr. Ruoff stated even with these changes, the project still came under the overall budget by about \$33,500.

The following motion by Councilor Lake was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Structural Preservation Services, Inc in an amount not to exceed \$65,325 for the City Hall Parking Garage Rehab Project (22M006AA).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.14.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Sale of Surplus Mechanical Ventilators - Fire Chief

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend the public auction or competitive quotation requirements of City Ordinance O-2023-15, Section 2-1341; authorize the City Manager to do all things necessary to sell three surplus Zoll Z-Vent mechanical ventilators to the Town of Fitzwilliam for \$6,000, with sale proceeds to be deposited to the General Fund; and direct staff to bring forward a separate resolution to the City Council requesting an appropriation for the purchase of swift water rescue dry suits for the Keene Fire Department.

Attachments:

None

Background:

Fire Chief Seymour addressed the Committee again. The Chief stated this is a request to suspend public auction or competitive quotation requirements, permitting the department to sell three surplus ventilators to the Town of Fitzwilliam Fire Department. The ventilators being replaced by Keene is as part of this fiscal year's CIP project. The \$6,006 will be placed in the General Fund and staff will be coming back with a Resolution to use those funds to purchase dry suits for swift water rescue.

Councilor Chalice thanked staff for being able to keep this in our system and being able to receive more from their sale.

Councilor Lake asked whether these suits are a replacement. The Chief stated they are a replacement for suits that are worn out.

The following motion by Councilor Chalice was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend the public auction or competitive quotation requirements of City Ordinance O-2023-15, Section 2-1341; authorize the City Manager to do all things necessary to sell three surplus Zoll Z-Vent mechanical ventilators to the Town of Fitzwilliam for \$6,000, with sale proceeds to be deposited

to the General Fund; and direct staff to bring forward a separate resolution to the City Council requesting an appropriation for the purchase of swift water rescue dry suits for the Keene Fire Department.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Elizabeth Ferland, City Manager
Paul Andrus, Community Development Director

Subject: **Proposed Amendments to the Keene Community Power Plan - Community Development**

Recommendation:

That the proposed amendments to the Keene Community Power Plan be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. 8-7-26 clean draft
2. 8-7-26 redline draft

Background:

[Keene Community Power](#) is a program that provides electricity supply options to Keene residents and businesses on a default ("opt-out") basis. The program was launched in June 2023 and is currently in its second Electric Service Agreement (ESA) contract, effective December 2025 through December 2027. Electric customers in Keene can join or leave the program or switch options at any time. The default product, which is about 2 ¢/kWh cheaper than the current Eversource Default Service, costs 12.100 ¢/kWh and includes 50% renewable energy. The other products offered through the program range in price and renewable energy content from 11.220 ¢/kWh / 25% renewables (Keene Basic), 11.580 ¢/kWh / 35% renewables (Keene 10), to 13.890 ¢/kWh / 100% renewables (Keene 100).

City staff propose amending the existing Community Power Plan and ESA to change the default option for low-income customers. Low-income customers can be identified in utility data as those customers participating in the New Hampshire Electric Assistance Program (EAP), which provides a discount on the entire electricity bill for income-eligible customers. The City proposes to change the default product for customers participating in the EAP to Keene Basic, the least-cost option, rather than the current default product, Keene Standard. Keene Standard will continue to be the default product for all other customers. EAP customers will retain the option to switch to any other Keene Community Power product, if they wish. There are currently just over 300 EAP customers

participating in Keene Community Power.

The following table provides a summary of the proposed change:

	Keene Basic	Keene 10	Keene Standard	Keene 100
Renewable Energy	Meets State Minimum (25% in 2026)	Adds 10% NH Class I (35% in 2026)	Adds 25% NH Class I (50% in 2026)	Adds 75% NH Class I (100% in 2026)
Price (Dec. 2025 - Dec. 2027)	11.220 ¢/kWh	11.580 ¢/kWh	12.100 ¢/kWh	13.890 ¢/kWh
EAP Participants	Default	Option	Option	Option
All Other Customers	Option	Option	Default	Option

The proposed amendments to the Plan are limited to the following:

- On pages 5-6, the “*Equitable treatment*” section references that the Program will distinguish between customers that participate in the New Hampshire Electric Assistance Program (EAP) and other customers by assigning a default product to EAP customers and a default product to all other customers. On page 31, the “*Exhibit 1, Historical overview*” includes a new entry documenting this amendment.
- Throughout the Plan, references to specific consulting firms have been replaced with the term “*Community Power Consultant*” to make the language more flexible and reduce the need for future plan amendments when consulting relationships change. The Plan also directs readers to the professional services agreement for additional information regarding the consultant and their responsibilities.
- The timeline of revisions to the plan was moved from the top of the “*Historical overview*” section in Exhibit 1.

If this proposal is approved, existing EAP customers who are enrolled in Keene Standard will be moved to Keene Basic at the next available meter read date, following public announcements from the City. For EAP customers that have affirmatively opted in to Keene 10 or Keene 100, the Program will honor that choice and not make any change to their product. All new eligible EAP customers will be automatically enrolled in Keene Basic unless they choose a different product or opt out of the program.

CITY OF KEENE COMMUNITY POWER PLAN



**Adopted May 6, 2021 Amendment Adopted
March 20, 2026**

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I. Community Power Goals and Vision

The City of Keene will develop and implement its Community Power Program (“Program”) as described in this Community Power Plan (“Plan”).

Community Power creates new electricity supply choices for Keene residents and businesses with the potential for cost and environmental benefits beyond that of the Default Service supply from the electric distribution utility, Eversource. Instead of simply utilizing Eversource’s electricity supply, Keene will bundle together the electricity needs of its residents and small businesses and put out a bid for an electricity supplier to provide the necessary electricity at competitive prices. With Community Power, the City is able to make strategic decisions about when to solicit bids, lock in fixed pricing for multiple years, and increase the amount of renewable energy above the existing statewide minimum. Eversource will continue to manage billing and maintain wires and poles.

Community Power is part of the City's comprehensive climate and energy planning process. One of the primary goals of Keene's process, embodied in the City Council's 2018 Resolution R 2018-36, is to achieve 100% renewable electricity use:

"It is the goal of the City of Keene that all electricity consumed in the City will come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Keene community, not just municipal government operations."

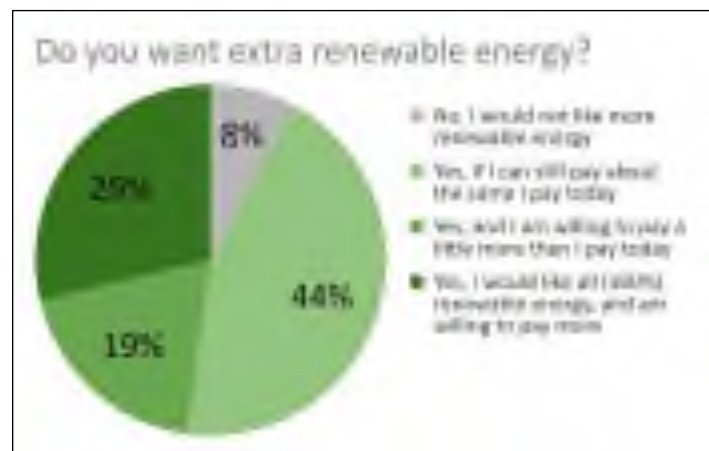
Keene's climate and energy planning process also seeks to support equity, energy efficiency, job creation, and climate resilience and preparedness.

To establish specific goals and a vision for the Program, the City held information sessions and surveyed community members to ask about their priorities and preferences. While individual opinions differed, there was strong support from the majority of survey respondents from all income classes and age groups for five community priorities related to electricity supply:

- Choice for electricity options
- Control of electricity costs
- Competitive rates and lower bills
- Increased local renewable energy
- Local jobs

Particularly strong among respondents was support for renewable energy. As shown at right, over 90% of all respondents indicated a desire for extra renewables, and almost half indicated a willingness to pay more for extra renewables.

The desire for extra renewable energy generally held across age and household income brackets, with the strongest support overall in the middle income bracket, as shown below.



Do you want extra renewable energy, by household income?



Detailed survey results can be found in **Exhibit I**.

The Keene community goals translate into the following goals for Keene's Community Power Program:

1. Establish a standard (or default) electricity supply product that value via competitive rates, uses more renewable energy, and source local renewable energy as defined in Section V.b.
2. Increase the contribution of renewables toward 100% renewable electricity for the entire Program by 2030, using optional products, tools and incentives that include:
 - Provide optional electricity supply products with alternative renewable electricity amounts (for example, 100%). Options afford individual participants the opportunity to meet higher renewable goals immediately and increase the overall renewable energy impact of the Program;
 - Catalyze the development of distributed energy resources within Keene, such as rooftop solar, by providing enhanced net metering and other incentives;
 - Explore opportunities to support the development of and utilize new renewable energy supply at utility scale within our region;
 - Support electrification, particularly of thermal and transportation sectors;
 - Support energy efficiency initiatives to reduce total Program electricity demand and costs for participants; and
 - Explore, and implement when possible, other tools and incentives successfully established elsewhere in New Hampshire, in other states or around the world (for example, time-of-use rate structures).
3. Engage the community to bring new ideas and resources into the Program, through

every means possible, over the life of the program. Also engage the community to assess how benefits of the Program can be allocated equitably.

4. Work with regulators, utilities and suppliers to craft solutions and remove barriers to harnessing all cost-effective solutions, especially recognizing that increased electrification will be part of the solution toward 100% transportation and thermal renewable energy by 2050.
5. Expand the Program's impact by empowering other communities with similar goals. This includes sharing information and materials to help launch other programs as well as evaluating regional buying groups as to whether they provide greater cost savings to all participants through economies of scale.

The vision for Keene Community Power is to launch a timely Community Power Program that provides community members with attractive choices and substantially enhanced renewable energy options at competitive prices, and opens a new promising community path to 100% renewable electricity in 2030.

Community Power is emerging as a leading strategy to reach multiple community goals efficiently and equitably. The City of Keene looks forward to refining this vision for meeting our 100% renewable energy goals and all of Keene's goals that are impacted by energy choices.

II. Process to Develop and Approve Plan

Before implementation, the Plan must be reviewed and approved by the Community Power Committee ("Committee") and adopted by the Keene City Council. The Committee will ensure that the Program satisfies all of the statutory requirements, including that the Plan provides universal access, reliability and equitable treatment for all classes of customers. This Plan was developed to demonstrate that the Program of the City satisfies all the requirements necessary for approval by the Committee and adoption by the City Council.

This plan was developed through the following process, consistent with New Hampshire Revised Statutes Annotated (RSA) 53-E:

1. Creation of Community Power Committee
2. Creation of a Draft Plan with public hearings,
3. Approval of Plan by Community Power Committee,
4. Adoption of Plan by City Council, and
5. Submission of Final Plan to Public Utilities Commission.

Please see **Exhibit I** for detail on these steps.

III. Customer Participation

III.a. Applicable classes of customers

The Community Power Program will be available for the residential, commercial and industrial classes of electricity customers as defined by City’s electric distribution company, Eversource (“Applicable Classes”). See Eversource for current classes: <https://www.eversource.com/content/nh/residential/my-account/billing-payments/about-your-bill/rates-tariffs>

III.b. Universal access

The Plan provides for universal access for all customers by guaranteeing that all customer classes will be included in the Program under equitable terms.

All retail electric customers will have access to the Program. All retail electric customers receiving Default Service supply from the electric distribution utility will be eligible for automatic enrollment in the Program (“Eligible Customers”), and they will be automatically enrolled in the Program unless they choose to opt out.

All customers will have the right to opt-out of the Program at any time with no charge.

As required by the statute, there shall be equitable treatment of Applicable Classes within the Program.

III.c. Equitable treatment

The community power statute requires equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs and arrangements between different electric distribution utilities in their respective franchise territories. This does not mean that all classes of customers must be treated “equally,” but rather that similarly situated classes of customers be treated “equitably.”

Among applicable classes of customers, the Plan makes four distinctions.

First, the Program will distinguish among customer classes by soliciting separate pricing for each of the same customer classes the electric distribution utility uses for the distribution service.

Second, the Program will distinguish between customers that participate in the New Hampshire Electric Assistance Program (EAP) and other customers by assigning a

default product to EAP customers and a default product to all other customers.

Third, the Program will distinguish between customers receiving the default product and customers that affirmatively choose an optional product. Customers selecting an optional product will be charged the price associated with that product.

Fourth, the Program will distinguish between customers that join the Program through an automatic enrollment process (i.e. customers who do not choose to opt-out) and customers that affirmatively elect to join the Program. Such distinction will determine whether the customer receives the price specified for their rate class and product set in the Electricity Supply Agreement (“Program pricing”) or a price based on market prices at the time the customer joins the Program.

- Customers that join through an automatic enrollment process include a) the initial Eligible Customers at the start of the Program and b) new Eligible Customers that move into the City after the Program start-date. All initial Eligible Customers will receive the Program pricing for their rate class. Among new Eligible Customers, the Program will distinguish between new residential and small commercial customers, who will receive the Program pricing, and all other commercial and industrial customers, who may receive pricing based on market prices at the time the customer joins the Program.
- Finally, customers that affirmatively elect to join include two types of customers: a) customers that were being served by a Competitive Supplier at the start of the Program but then later join the Program; and b) customers re-joining the Program after having previously opted out. Those customers that were being served by a Competitive Supplier at Program initiation but who later join the Program will be treated the same as new Eligible Customers – residential and small commercial customers will receive the Program pricing and all other commercial and industrial customers may be offered a price based on the then-current market rates. All customers that join the Program after having previously opted out may be offered a price based on then-current market rates rather than the Program price. This distinction is designed to limit any incentive for frequent switching back and forth between the Program and Default Service of the electric distribution utility.

III.d. Reliability

Reliability has both physical and financial components. The Program will address both through the Electricity Supply Agreement (“ESA”) with the Competitive Electric Power Supplier (“Competitive Supplier”), which shall be the Load Serving Entity. From a physical perspective, the ESA commits the Competitive Supplier to provide all-requirements power supply and to use proper standards of management and operations. All-requirements power supply includes all of the electrical energy, capacity, reserves,

ancillary services, transmission services, transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply to Program participants and meet the state’s Renewable Portfolio Standard and any additional renewable energy requirements of the default or optional products. The electric distribution utility will continue to remain responsible for delivery service, including the physical delivery of power to the customer, maintenance of the delivery system, and restoration of power in the event of an outage. From a financial perspective, the ESA requires the Competitive Supplier to pay actual damages for any failure to provide supply at the contracted rate (i.e., to pay the difference between the contract rate and the utility supply rate). The ESA requires the Competitive Supplier to maintain insurance and the Request for Proposals for a Competitive Supplier will require that an investment-grade entity either execute or guarantee the ESA. Accordingly, the Program satisfies the reliability requirement of the statute.

IV. Organizational Structure

IV.a Roles

Community Power Committee (CPC): The Finance, Organization and Personnel Committee, a standing committee of the City Council, voted to request that the Mayor constitute an ad-hoc Community Power Committee, as the designee of the Mayor and as established under RSA 53-E:6, to develop and approve a Community Power Plan for submission to and adoption by the City Council, as the legislative body of the City. The Committee will develop a draft plan, hold public hearings on the plan to solicit public input, revise the draft plan based on that input, and ultimately submit an approved Plan to the City Council. See **Exhibit I** for detail on the public input process.

City Council: In accordance with RSA 53-E:7, the City Council, as the legislative body of the municipality, will be the body to adopt the Community Power Plan after it has been approved by the Community Power Committee. The City Council will review and approve any proposed amendments to the Plan.

City Manager: The City Manager is designated by the City Council to provide direct management and oversight of the Plan on behalf of the City. The City Manager, or their designee(s), shall regularly meet with the Community Power Consultant for the purpose of providing oversight of the Plan and shall make recommendations to the City Council on Plan amendments. The City Manager shall authorize the issuance of bids for power supply and shall negotiate and execute a Electric Service Agreements (“ESA”) consistent with the products and goals described in this Plan.

Community Power Consultant: The Community Power Consultant will manage certain Program activities under the direction of the City Manager. Their responsibilities will include managing the supply procurement, developing and implementing the public

education plan, interacting with the electric distribution utility and monitoring the supply contract, as detailed in the professional services agreement.

Competitive Supplier: The Competitive Supplier will provide power for the Program, provide customer support including staffing a toll-free number for customer questions, and fulfill other responsibilities as detailed in the ESA. The Competitive Supplier shall be required to enter into an individual ESA with the City under terms deemed reasonable and appropriate for the retail electric customers by the City Manager.

Buying Group: The City may elect to join with other municipal aggregators in combining its load for purposes of soliciting bids from Competitive Suppliers. The purpose of the Buying Group is to allow municipal aggregators to capture the benefits of collective purchasing power while retaining full municipal autonomy. The City shall be represented by the City Manager, or their designee, on the executive committee of the Buying Group. The City, through the City Manager or their designee, shall select a Competitive Supplier based on the needs of the City and shall not be required to select the same terms or Competitive Supplier as other members of the Buying Group.

Retail electric customers: Retail electric customers shall include all electric customers taking distribution service of electricity located within the geographic boundaries of the City of Keene.

IV.b. Data Security

Pursuant to RSA 363:38 and PUC 2004.19, the Program, as an aggregator, is required to protect individual customer data that it may receive as part of Program implementation. See Exhibit III for the data protection plan to be used by the Program.

V. Electricity Supply Product Options

V.a. Default and Optional Electricity Supply Products

The Program offered the following electricity supply products in its initial ESA and may adjust these products in subsequent ESAs, taking into account the goals of the Program, market conditions and implementation experience. Current product offerings will always be posted at the Program website, KeeneCommunityPower.com. Any retail electric customer that joins through an automatic enrollment process, shall be enrolled into the Program's default product, unless they affirmatively choose to enroll in any of the optional products.

	Default Product (Automatic enrollment)	Optional Products		
Product Name	Keene Local Green	Keene Basic	Keene 50% Local Green	Keene 100% Local Green
Product Goals	Increase renewable energy use while maintaining competitive rates	Most competitive rate (no increase in renewable energy use)	Significant increase in renewable energy use (e.g. 50%)	Largest increase in renewable energy use (e.g. 100%)

- Default Product

- **Keene Local Green:** The Program intends to offer Keene Local Green as its default product. The Keene Local Green product has a goal of maintaining rough cost parity with Eversource’s Default Service supply while including extra renewable electricity above the Renewable Portfolio Standard (“RPS”) required in New Hampshire. The exact amount of extra renewable electricity will be determined after the receipt of bids from competitive suppliers. It is expected to include 5-10% extra renewable energy in the initial ESA. It is the City's goal to increase this amount in subsequent ESAs, while maintaining cost parity with Eversource’s Default Service. This product is intended to include as much local renewable energy as possible, as defined in Section V.b. Including additional renewable energy in this product enables customers to have a meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

- Optional Products

- **Keene Basic:** Some customers may feel that the amount of new, renewable energy required by the RPS in New Hampshire is sufficient to fulfill their renewable energy objectives. This product offers the same amount of renewable energy as Default Service from Eversource as required by the RPS of New Hampshire. Keene Basic will be the lowest cost option in the Program.
- **Keene 50% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to 50% local renewable energy above the RPS. The City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This

product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

- **Keene 100% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to 100% local renewable energy above the RPS. City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

The Program reserves the right to adjust product names as needed.

The Program notes that it cannot guarantee savings for any of its products compared to the utility Default Service rates, because utility Default Service rates may not be known for the entirety of any Program supply contract.

Any charge for the additional renewable energy would be included in the rate submitted to the electric distribution utility or be purchased separately as Renewable Energy Certificates (“RECs”) from a third party. RECs are the accepted legal instrument used to track renewable energy generation and to substantiate claims of renewable energy use. For every one megawatt-hour (MWh) of renewable electricity that is generated and fed onto our electricity grid, one REC is created. In order to claim the use of a certain quantity of renewable energy, one must hold and retire an equivalent quantity of RECs. Retiring a REC ensures that there can be no double counting of renewable energy (i.e. no one else may claim to use the same REC once it has been retired).

V.b. Green & Local Definitions

The term “Green” means that the product contains additional renewable energy, substantiated through REC retirement, above that required by state law.

“Local” means that the additional RECs come from renewable energy sources that are part of our ISO-New England electricity grid. This means the sources are located in New England or the energy is imported as allowed by ISO-New England from locations such as New York or eastern Canada. This stands in contrast to some electricity supplies that obtain RECs from national sources (e.g. Texas) in which the electricity is not part of our ISO-New England electricity grid.

In its procurement, as described in Section VI.a, Keene seeks to support renewable energy generation located within Keene or as close to Keene in New Hampshire as possible. Keene also seeks to support the growth of renewable energy, thereby displacing

fossil fuels and reducing greenhouse gas (GHG) emissions.

V.c. NH Class I Renewable Energy

New Hampshire Class I renewable energy is known as “new renewable energy”. The State requires all electricity supplies to include a minimum quantity of Class I renewable energy, and that amount increases annually (currently plateauing after 2025). This increasing requirement, along with similar requirements in other New England states, has been a major driver of the growth of renewable energy in our region. If the Program voluntarily purchases additional Class I renewable energy at significant scale, Keene will augment this growth even further.

Class I renewable energy can come from wind, solar, small hydroelectric, biomass, methane, as well as hydrogen and ocean thermal, tidal or wave energy. These categories align with the Keene Energy Plan’s support for “Green Power” as defined by the US Environmental Protection Agency (EPA). All Class I renewable energy must have started operation after January 1, 2006 and must be physically delivered to our regional electricity grid, which means it can come from New England, New York or eastern Canada.

- Additional detail on NH Class I renewable energy, as well as the other classifications of renewable energy covered by the New Hampshire Renewable Portfolio Standard, may be found at <https://www.energy.nh.gov/renewable-energy/renewable-portfolio-standard>
- Additional detail on EPA’s Green Power definition can be found at <https://www.epa.gov/green-power-markets/learn-about-green-power-market> .

As described above, the City intends to purchase a portion of the RECs from renewable energy generators and include these RECs in a renewable energy product. If RECs are obtained through the Competitive Supplier, any charge for these RECs would be included in the same rate submitted to the electric distribution utility.

VI. Operation

The implementation of the Community Power Program requires extensive interaction between the City, the Competitive Supplier, and the electric distribution utility.

Following adoption of the Plan by the City Council, the key operational steps will be:

- a. Issue a Request for Proposals (RFP) for power supply, select a Competitive Supplier and provide notice
- b. Implement a public information program, including a Customer Notification Letters
- c. Enroll customers and provide service, including quarterly notifications and annual

- reporting
- d. Plan for Program evolution

These steps are described in the sections below.

VI.a. Issue an RFP for power supply, select a competitive supplier and provide notice

The City, under direction of the City Manager or its designee, will solicit bids from leading competitive suppliers, including those currently supplying community power programs in New England and other states. In seeking bids from competitive suppliers, the City may solicit bids for its load individually or as part of a Buying Group with other municipal aggregators. The RFP will require that the supplier satisfy key threshold criteria, including:

- Registration with the New Hampshire Public Utilities Commission (NHPUC)
- Strong financial background
- Experience serving the New England competitive market or community power programs (also known as municipal aggregations) in other states
- Demonstrated ability, supported by references, to provide strong customer service.
- Demonstrated ability to use Electronic Data Interchange (“EDI”) for enrollment of customers with the electric distribution utility or a plan to successfully complete testing required to use the electric distribution utility’s EDI prior to the mailing of the Customer Notification Letters

In addition, suppliers will be required to agree to the substantive terms and conditions of the ESA, including, for example, the requirement to:

- Provide all-requirements power supply at a fixed price
- Allow customers to exit the Program at any time on their next regular meter read with no charge
- Agree to specified customer service standards
- Comply with all requirements of the NHPUC and the electric distribution utility

The RFP will include data on Eligible Customer load and other characteristics provided to the City by the electric distribution utility pursuant to Puc 2204.02.

The City will solicit price bids from suppliers that meet the threshold criteria and agree to the terms and conditions of the ESA. The City will request bids for a variety of term lengths (e.g. 12, 24, 36 or 48 months) and for power from different sources. The City Manager, or their designee(s), will determine the number of products, the appropriate level of renewable energy to be included with the default product and the optional products based upon their assessment of market conditions and what would be in the best

interest of retail electric customers at the time of the solicitation. As noted in Section V.a., all claims of renewable energy use will be substantiated by the supplier obtaining and retiring the appropriate quantity of RECs. The City will require bidders to identify the technology, vintage, and location of the renewable energy generators that are the sources of the RECs. It will also require that the RECs be created and recorded in the New England Power Pool Generation Information System. The City may seek RECs from a variety of renewable energy sources; may elect to procure from those sources RECs, power or both; and will choose the best combination of environmental benefits and price. All additional RECs, above those required by the RPS, are initially expected to be New Hampshire Class I eligible RECs or RECs from sources located within the greater Monadnock region.

The City may provide customers with renewable energy generation source information through a variety of vehicles including the Program web site, content disclosure labels and the customer notification letter.

In consultation with its Community Power Consultant, the City Manager, or its designee, will evaluate the bid results including price, term and source. Whether the City conducts an individual solicitation or participates in a solicitation with a Buying Group, at the conclusion of the bidding process it will select a price, term and supplier appropriate for its retail electric customers. Participation in the Buying Group shall not require the City to select the same price, terms or supplier as other members of the Buying Group. If a bid is satisfactory, the City Manager, or its designee, shall execute an Electric Service Agreement (“ESA”) with the selected supplier(s). The City reserves the right to select supplier(s) per customer class (as distinguished in Section III.c. to ensure equitable treatment). If none of the bids is satisfactory, the City will reject all bids and repeat the solicitation for bids as often as needed until market conditions yield a price that is acceptable. The City will only accept a bid that enables it to launch the Program with a price, terms and characteristics that meet the criteria set by their municipal officials.

The City will provide written notice of its acceptance of a bid and the Program’s date of commencement of service to the NHPUC, the Office of Consumer Advocate, the Department of Energy as required by Puc 2204.04.

The Program will utilize consolidated billing such that the participating customers receive a single bill from the electric distribution utility that includes the charges for the Program’s electricity supply and all other charges from the electric distribution utility. The Program will confirm this choice of billing service by notifying the electric distribution utility of prior to the enrollment of customers, including providing any applicable Product details required pursuant to Puc 2205.16.

VI.b. Implement public information program including Customer Notification Letters

An Education and Outreach Plan is required to fully inform and educate potential customers and participants in advance of automatic enrollment in the Community Power Program. Customers, including customers with limited English language proficiency and disabilities, must be informed that they would be automatically enrolled in the Program and that they would have the right to opt-out of the Program without penalty. The purpose of the Education and Outreach Plan is to raise awareness and provide retail electric customers with information concerning their opportunities, options and rights for participation in the Program. To facilitate the Education and Outreach Plan, the City will utilize contact information for retail electric customers provided to the City by the electric distribution utility pursuant to Puc 2004.03.

The Education and Outreach Plan (**See Exhibit II**) consists of five components:

i. Initial Outreach and Education: This will be conducted after the selection of a Competitive Supplier and prior to arrival of the customer notification letter. It is intended to promote general awareness of the upcoming Program, minimize any questions generated by the arrival of the customer notification letter and maximize recipients' ability to make an informed choice about their participation in the Program. This effort will include information about the goals of the Program, the basic terms and conditions including renewable energy components, and the opt-out process. This effort will also include posting of the Program's product information for residential and small commercial customers on the Department of Energy's shopping comparison website. Such information will be posted on the website in advance of mailing the Customer Notification Letters.

ii. Customer Notification Letters: In addition to the initial outreach and education initiatives, a notice ("Customer Notification Letter") will be mailed to every retail electric customer. The Program will have two versions of this letter, one for Eligible Customers and one for other customers.

The Customer Notification Letter for Eligible Customers will contain a description of the aggregation program; the implications to the City; the rights and responsibilities that the participants will have under the Program; all details, including all rates, on the products offered by the Program; explain that the customer will be automatically enrolled in the default product unless they choose otherwise and identify the deadline to make such a choice; have instructions for how to not participate (opt out) via web, phone or a pre-addressed envelope and opt-out reply card included with the letter; and instruction for how to enroll in an optional Program product. The opt-out period will last a minimum of 30 days from the date of mailing of the Customer Notification Letters.

The Customer Notification Letter for other customers will, at a minimum, contain a description of the aggregation program, the implications to the City, and instructions for how to enroll in any of the Program products if desired.

Prior to the mailing of the Customer Notification Letters, the Program will confirm with the Competitive Supplier and the electric distribution utility that the Competitive Supplier is able to use EDI for enrollment of Default Service customers into the Program.

iii. Opt-Out Period Education & Outreach: After the Customer Notification Letters have been sent, the City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the Program. This will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter.

iv. Timeline and Preliminary Marketing Plan for Launch: This component identifies the steps the City intends to take in marketing the Program including identification of media and other community resources, examples of education and outreach documents, and an expected timeframe for the outreach effort.

v. Ongoing Outreach & Education: This component describes the expected outreach and education activities following Program launch. Key elements include:

- Program goals and performance, particularly as they relate to progress towards the City’s ambitious short- and long- term goals for renewable energy, particularly for 2030 and 2050.
- On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law (“Opt up campaigns”). Increasing participation in these products will serve the City’s goals to expand new renewable energy and increase overall renewable energy use; AND
- Promotion and support of the NHSaves energy efficiency program, and future energy efficiency and weatherization programs

The attached Education and Outreach Plan (**Exhibit II**) describes in detail the City’s anticipated outreach efforts, including a timeline.

VI.c. Enroll customers and provide service

i. Enroll Customers: After the conclusion of the opt-out period (i.e. no sooner than

37 days from the date of the postmark of the Customer Notification Letters, which includes 3 days for mailing, 30 days for customer consideration, and an additional 3 days for return of the replay card), the Competitive Supplier will enroll into the Program all retail electric customers on Default Service with the electric distribution utility who did not opt out and any other retail electric customers that have affirmatively requested in writing or through email to be enrolled into the Program. All enrollments and other transactions between the Competitive Supplier and the electric distribution utility will be conducted in compliance with the relevant provisions of New Hampshire Public Utilities Commission regulations, Terms and Conditions for Competitive Suppliers, and the protocols of the New Hampshire Electronic Business Transaction (EBT) standards.

After enrollment of each customer, the Program may receive billing information for each enrolled customer from the electric distribution utility pursuant to Puc 2205.13.

ii. Provide Service: Once customers are enrolled, the Program will provide all-requirements power supply service. The Program will also provide ongoing customer service, maintain the Program website, and process customer enrollments, ongoing opt outs, and customer selections of optional products. The Program will provide Energy Source Disclosure labels to participants as required by RSA 378:49.

Prior to the expiration of the initial ESA, the City intends to solicit a new power supply agreement, as described in **Section XIII. Method of Terminating and Entering Agreements with Other Entities**. If the City elects not to enter into a new power supply agreement, participating customers would return to Default Service as described in **Section XV. Extensions or Termination of Program**.

Retail electric customers that apply for new service with the electric distribution utility (e.g., new customers move into the City or move within the City), they will initially be enrolled in Default Service supply provided by the electric distribution utility. The Program will mail such customers a Customer Notification Letter for Eligible Customers per section IV.b.ii detailing the Plan and an opt-out card. At the end of the opt-out period they will be enrolled in the Program unless they elect to opt-out, per section IV.c.i. New customers also may proactively enroll by contacting the Program directly.

The City will update the information on the Program's products on the Department of Energy's comparison shopping website whenever such information changes.

iii. Annual Report: On an annual basis, the City Manager, or its designee(s) will report to the City Council on the status of the Community Power Program,

including the number of customers enrolled and opting-out, kilowatt-hour usage, customer savings, participation in renewable energy products, and such other information as the City may request. The information for this report will be prepared by the Community Power Consultant, and the Community Power Consultant will assist or lead in presenting to the City Council as desired by the City Manager.

iv. Data Portal: The Community Power Consultant will make available to the City Manager and its designee(s) a secure, password-protected cloud-based data portal that provides the ability to run reports on key Program metrics and performance.

VI.d. Plan for Program evolution

City seeks to continually improve the Program and progress towards its long-term goals. To this end, the Community Power Consultant and City will regularly assess new opportunities such as technologies, services, regulatory policy changes, and more for their applicability to the Program. Community Power Consultant will develop appropriate strategies to integrate these opportunities into the Program. Community Power Consultant will support the City to present new opportunities to the City Council for their consideration and approval, if amendments to the Plan are needed.

VII. Funding

All of the costs of the Program will be funded through the per kilowatt-hour rates established in the ESA. Only Program participants will pay for the costs of the Program, listed below.

The primary cost will be the cost of the Competitive Supplier for the power supply, which will be funded through a per kilowatt-hour power supply rate component. These costs will be established through the competitive solicitation for a supplier.

The administrative costs of the Program will be funded through a per kilowatt-hour administrative rate component that will be paid by the Competitive Supplier to the Community Power Consultant, as specified in the ESA. This rate component will cover the services of the Community Power Consultant, including developing the Community Power Plan, managing the supply procurement, developing and implementing the public education plan, providing customer support, interacting with the electric distribution utility, monitoring the supply contract, and providing ongoing reports.

The City may choose to collect a per kilowatt-hour discretionary energy reserve fund rate component that will be paid by the Competitive Supplier to the City, as specified in the ESA. The City shall deposit and maintain such amounts in an enterprise fund to be used for the cost of providing energy-related benefits to Program participants and supporting

Program goals. Examples of such uses include (1) supporting development of new renewable energy projects, (2) supporting electrification of thermal and transportation uses, and (3) other energy-related programs and services. The City Council shall provide authorization for the use of funds from the discretionary energy reserve fund rate component. The City Manager will determine the appropriate amount of discretionary energy reserve fund rate component to include in each product in each ESA, within a range pre-approved by the City Council.

VIII. Rate Setting and Other Costs to Participants

The Program is offered on an opt-out basis, such that Eligible Customers will be automatically enrolled unless they proactively choose to opt out.

As described above, the Program's per kilowatt-hour rates will include the power supply, administrative, and discretionary energy reserve fund rate components, and applicable taxes pursuant to the ESA. Prices, terms, and conditions may differ among customer classes, which classes will be the same as the Default Service customer classes of the electric distribution utility. The frequency of price changes will be determined through the competitive bid process. The City expects to solicit bids for a number of different contract terms. Prices may change as specified in the winning bid and customers will be notified of price changes through media releases and postings on the Community Power Program website.

Regulatory events, such as new or altered requirements for the Renewable Portfolio Standard, or new taxes may result in a direct, material increase in costs during the term of the ESA. In such cases, the City and the Competitive Supplier will negotiate a potential change in the Program price. At least 30 days prior to the implementation of any such change, the City will notify customers of the change in price by issuing a media release and posting a notice in City Hall and on the Program website. The City shall also notify the NHPUC Consumer Services and External Affairs Division prior to implementation of any change in the Program price related to a regulatory event or new taxes. Such notice shall be provided prior to notifying customers and will include copies of all media releases, postings on the City and Program websites and any other communications the City intends to provide to customers regarding the price change.

The Program affects only the electricity supply charges of the customers. Delivery charges will be unchanged and will continue to be charged by the electric distribution utility in accordance with tariffs approved by the NHPUC.

Participants in the Program will receive one bill from the electric distribution utility that includes both the power supply charge of the Competitive Supplier and the delivery charge of the electric distribution utility. Any applicable taxes will be billed as part of the Program's power supply charge.

Participants in the Program will be able to opt-out of the Program and transfer to Default Service with the electric distribution utility or to another competitive supplier. Such requests submitted to the Program will be submitted by the Competitive Supplier to the electric distribution utility for processing on the customer's next available regular meter read date. There shall be no penalty or exit fee for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge if such a service is available from the electric distribution utility.

IX. Net Metering Compensation

In accordance with RSA 362-A:9, II, the Program may determine the terms and conditions for net metering. In order to support the development of distributed energy resources within Keene, the Program will seek to offer net metering terms and conditions - for standard, alternative and group net metering - equal to or better than that provided on Default Service. To this end, the Program will evaluate the net metering terms and conditions offered by competitive suppliers as part of the procurement and bid selection process.

To ensure net metering customers can make a fully informed decision on their participation in the Program, the Program will tailor all education and outreach materials to clearly communicate any and all differences between the net metering value and operation provided by the Program and Default Service.

Additionally, the Program will evaluate how any proposed or implemented changes to the utility metering or billing infrastructure may create new opportunities to enhance the net metering benefits.

X. Electric Assistance Program and other discounts

The New Hampshire Electric Assistance Program (EAP) provides qualifying customers with a discount on their monthly electric bill. The New Hampshire Legislature authorized funding for this statewide program as part of electric utility deregulation. All electric utility ratepayers support the statewide EAP through the System Benefits Charge (SBC) portion of their electric bill.

The EAP for income-eligible customers that may qualify for a discount off their monthly electric bill would continue for participants in the Program. The level of discount depends on household income, household size and electricity usage.

The EAP discount does apply to the Supplier Services portion of an electric bill when a customer chooses an independent supplier for their electricity needs. The participants in the Program who are enrolled in the EAP will receive their discounts by the same method they presently receive their discount. Participation in the Program is independent of enrollment in the EAP and does not impact the EAP discount.

Other discount programs administered by Community Action Programs that address the needs of low-income residents would continue for participants in the Program.

XI. Aggregating Municipalities & Buying Group

Participating in a buying group may offer the potential for the City to expand its buying power for greater economies of scale and to support the City's goal of acting as a regional leader, supporting other municipalities to access the benefits for Community Power. Keene will evaluate opportunities for such a buying group before issuing a bid for competitive supply. See **Section VI.a. Issue an RFP for Power Supply and Select a Competitive Supplier** for details on the implementation of a buying group.

Additionally, the City reserves its right, in accordance with RSA 53-E:6, I, to join with other municipalities or counties for its Community Power Plan and implementing its Community Power Program. Any changes to the Community Power Plan must be reviewed and approved by the City Council.

XII. Promoting Energy Efficiency

In addition to supporting cost-competitive and cleaner electricity, the City seeks to leverage the Community Power Program to help reduce energy use. This will initially take the form of cross-promoting awareness of efficiency programs through the Program's education and outreach. The Program will also evaluate opportunities for more direct support of energy efficiency.

Promotional education will focus on existing energy efficiency and conservation programs, such as New Hampshire's Weatherization Assistance Program for low-income households and the New Hampshire Saves (NHSaves) program, which provides customers with information, incentives and support designed to save energy, reduce costs, and protect our environment statewide. NHSaves is funded by electric and natural gas ratepayers and delivered by Eversource, Liberty Utilities, New Hampshire Electric Cooperative and Unitil to make homes, businesses and towns more sustainable and more comfortable places to live and work, both now and in the future. Through NHSaves customers can receive a Home Energy Assessment. The assessment identifies energy-saving opportunities in the home and provides the customer with an energy report. The report includes information on equipment rebates and no-cost products, as well as access to 0% financing and a limited time offers, such as up to 100% off approved insulation.

The assessment can also include delivery of energy-saving products recommended by the Energy Specialist, such as LED light bulbs, advanced power strips, and thermostats that can be installed right away to start saving money and energy.

If and when additional energy efficiency and conservation programs or initiatives become available, the Program will evaluate how to incorporate them into its promotional outreach and education.

XIII. Method of Entering and Terminating Agreements with Other Entities

The process for entering, modifying, enforcing, and terminating all agreements associated with the Plan will comply with the municipal charter, federal and state law and rules and regulations, and the provisions of the relevant agreement.

The City plans to use the same process described in **Section IV.a.** of this Plan to solicit bids and enter into any subsequent ESAs with the assistance of its then-current Community Power Consultant. Customers will be notified of subsequent ESAs through press releases and public notices. The transfer of customers from the existing supplier to the new supplier will be coordinated with the electric distribution utility using established Electronic Data Interchange (EDI) protocols.

If the City determines that it requires the services of a Community Power Consultant after expiration of the existing agreement with GE/SP, it will evaluate opportunities to solicit a Community Power Consultant individually or as part of a group of municipalities aggregating the electric load of their respective customers. The City will solicit proposals for, and evaluate, potential Community Power Consultants using a competitive procurement process or alternative procedure which the City determines to be in the best interest of its customers and consistent with all applicable local, state and federal laws and regulations.

XIV. Rights and Responsibilities of Program Participants

All participants will have the right to opt out of the Program at any time without charge. They may exercise this right by any of the following: 1) calling the toll-free number of the Competitive Supplier; 2) contacting the electric distribution utility and asking to be returned to Default Service; or 3) enrolling with another competitive supplier.

All participants will have available to them the customer protection provisions of the law and regulations of New Hampshire, including the right to question billing and service quality practices. Customers will be able to ask questions of and register complaints with the City, the Community Power Consultant, the Competitive Supplier, the electric distribution utility and the NHPUC. As appropriate, the City and the Community Power

Consultant will direct customer complaints to the Competitive Supplier, the electric distribution utility or the NHPUC.

Participants will continue to be responsible for paying their bills and for providing access to metering and other equipment necessary to carry out utility operations. Participants are responsible for requesting any exemption from the collection of any applicable taxes and must provide appropriate documentation of such exemption to the Competitive Supplier.

XV. Extensions or Termination of Program

Prior to the end of the term of the initial ESA, the City will solicit bids for a new supply agreement and plans to continue the Program with the same or new competitive supplier.

Although the City is not contemplating a termination date, the Program could be terminated upon the termination or expiration of the ESA without any extension, renewal, or negotiation of a subsequent supply contract, or upon the decision of the City to dissolve the Program effective on the end date of the existing ESA. In the event of termination, customers would return to the Default Service of the electric distribution utility, unless they choose an alternative competitive supplier. The City will notify customers of a planned termination of the Program through media releases and postings on the Program website.

The City will notify the electric distribution utility of the planned termination or extension of the Program in writing. In particular, the City will provide the electric distribution utility notice: (1) 90 days prior to a planned termination of the Program; (2) 90 days prior to the end of the anticipated term of the ESA; and (3) four business-days after the successful negotiation of a new ESA. The City will also provide written notice to the NHPUC 90 days prior to a planned termination, which notice shall include copies of all media releases, City Hall and website postings and other communications the City intends to provide customers regarding the termination of the Program and the return of participants to Default Service. The City will also provide written notice 90 days prior to a planned termination to the Office of the Consumer Advocate and the Department of Energy.

In the event of unplanned termination of the Program because that the Program can no longer provide service to its customers, the Program shall provide immediate written notice to the NHPUC describing the market suspension or other event that caused the Program to no longer be able to provide service, the effective time of the inability to provide service, and the notice provided to customers of the timing and consequences of the cessation of the Program's service. The Program shall file a copy of such notice at the same time to the office of the Office of the Consumer Advocate, the Department of Energy, and the electric distribution utility.

In the event of the termination of the Program, it is the responsibility and requirement of the Competitive Supplier to return the customers to Default Service of the electric distribution utility in accordance with the then applicable EDI rules and procedures.

In the event of the termination of the Program, the balance of any funds accrued by the Program's discretionary energy reserve fund, if any, would be available for distribution or application as directed by the City Council and in accordance with any applicable law and regulation.

XVI. Planned Schedule

The planned schedule below is presented for illustrative purposes. The final schedule will be established once the Program has received all necessary approvals and will ensure compliance with the all required notification timelines prior to Program commencement.

Day	Action or Event
1	Issue RFP for Competitive Supplier
31	ESA executed between City and Competitive Supplier. Program provides required notifications to NHPUC, Department of Energy, Office of Consumer Advocate, and electric distribution utility.
32	Competitive Supplier receives retail electric customer mailing data and data needed for Eligible Customer enrollment in Program
48	Competitive Supplier, at its expense, mails Customer Notification Letters to all retail electric customers, including identifying the return date by which the reply card envelopes for Eligible Customers must be mailed and postmarked
51	Retail electric customers receive Customer Notification Letter in the mail
81	Return date by which Eligible Customers deciding to opt-out must mail a reply card in pre-paid envelope to Competitive Supplier.
85	Competitive Supplier removes all Eligible Customers who opt out from the Eligible Customer list
85	Competitive Supplier sends "supplier enrolls customer" EDI for all Eligible Customers that did not opt-out and any other customers that affirmatively elected to opt-in to the Program.
90	Service begins as of each customer's next meter read date

XVII. Conclusion

Keene's Community Power Program meets all of the requirements of the Community Power law, including providing universal access, a reliable power supply and treating all customer classes equitably. The City looks forward to launching the Program and pursuing the benefits of a competitive power supply, renewable energy, and electricity choice for its retail electric customers.

Exhibit I - Historical Overview

List of Revisions

Adopted by City Council on May 6, 2021

Amended July 31, 2022

Approved by New Hampshire Public Utilities Commission October 3, 2022

Adopted by City Council on November 3, 2022

Amended February 10, 2025

Adopted by City Council on March 20, 2025

Amended August 5, 2026

Formally adopted by City Council on **TBD**

1. Creation of Community Power Committee

On June 18, 2020 the Keene City Council approved the formation of an Ad-Hoc Community Power Committee (CPC). From City Council Minutes June 18, 2020:

FOP REPORT - COMMUNITY POWER PROGRAM & AD HOC COMMUNITY POWER COMMITTEE - ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

The Mayor brought forward the Finance, Organization and Personnel Committee report recommending that the Mayor be requested to constitute an ad-hoc Community Power Committee to develop a Community Power Plan for submission to the City Council in accordance with RSA 53-E. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

APPOINTMENT OF AN AD HOC COMMUNITY POWER COMMITTEE

The Mayor appointed an ad hoc Community Power Committee that would be charged with developing a community power plan for the citizens of Keene. The appointments from the Mayor included: Dr. Ann Shedd, Peter Hansel, Paul Roth, Jeffrey Titus, Michael Giacomo and Daniel Belluscio. A motion by Councilor Powers to confirm the appointments was duly seconded by Councilor Bosley. On roll call vote, 15 Councilors were present and voting in favor. The appointments were confirmed.

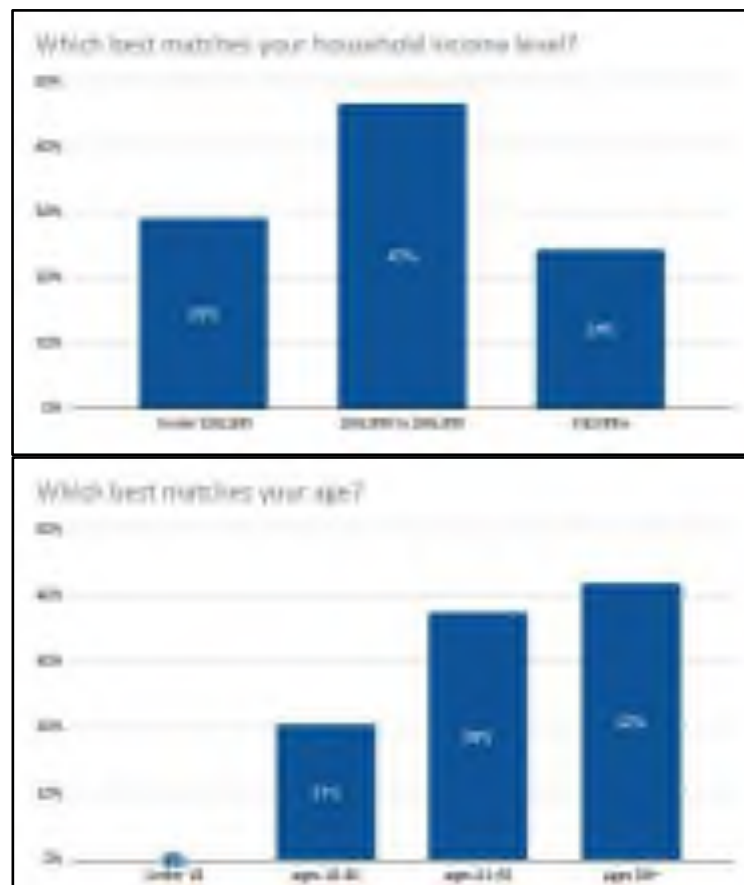
2. Creation of a Draft Plan with public hearings

The Committee, supported by City Staff and the Community Power Consultant,

held two public information sessions on December 8, 2020 to promote awareness of the development of a Community Power Plan and to begin gathering input. Also on December 8, 2020, the Committee released a community survey open for approximately one month through January 7, 2021. The survey was available online and via paper in the Monadnock Shopper News. The online survey and the City's website, KeeneEnergyPlan.com also hosted two educational videos about Community Power. KeeneEnergyPlan.com has hosted additional educational resources about Community Power, including an FAQ page, podcast and interviews with municipal leaders from active community power (also known as municipal aggregation) programs, such as Medford, Massachusetts.

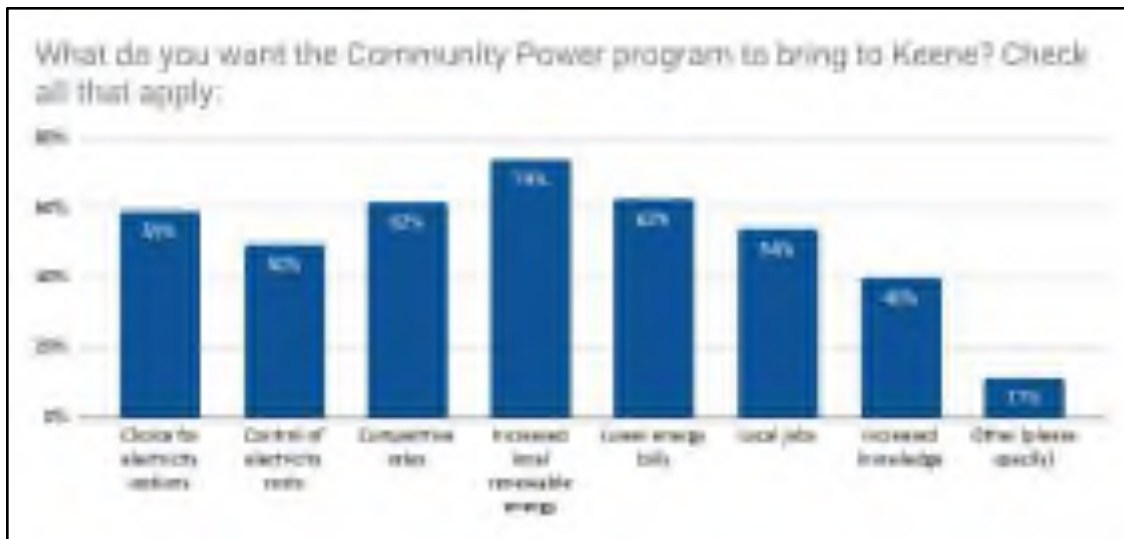
The survey received 126 responses, 97 online and 29 in paper via the Monadnock Shopper News. Key survey findings:

- 86% of respondents currently receive supply from Eversource Default Service. Such customers would be eligible for automatic enrollment in the Program.
- The survey had a well-distributed diversity of household income groups and age, as shown below:

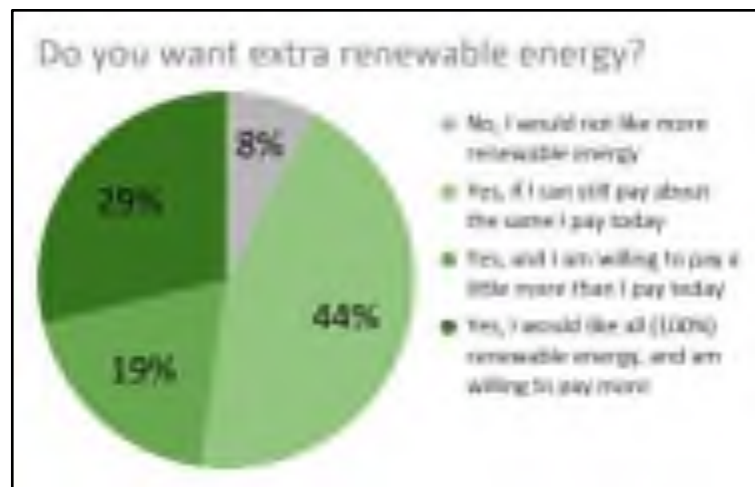


- Respondents identified a range of benefits they are interested in with

Community Power:



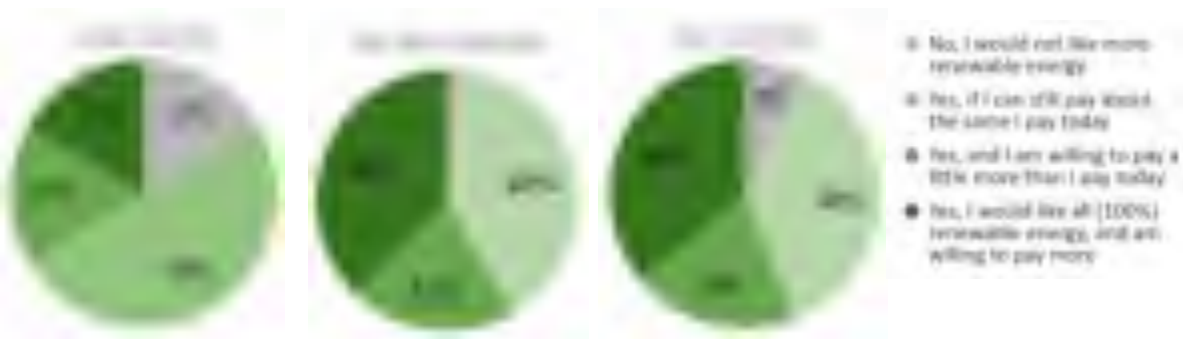
- 92% of respondents were interested in including more renewable energy in their electricity. Of those interested, roughly half (45%) sought extra renewable energy if they could pay about the same they pay today. The other half (55%) was willing to pay a little or a lot more for extra renewable energy.



- When analyzing preferences for renewable energy and cost by household income, a similar pattern remains for each income group.

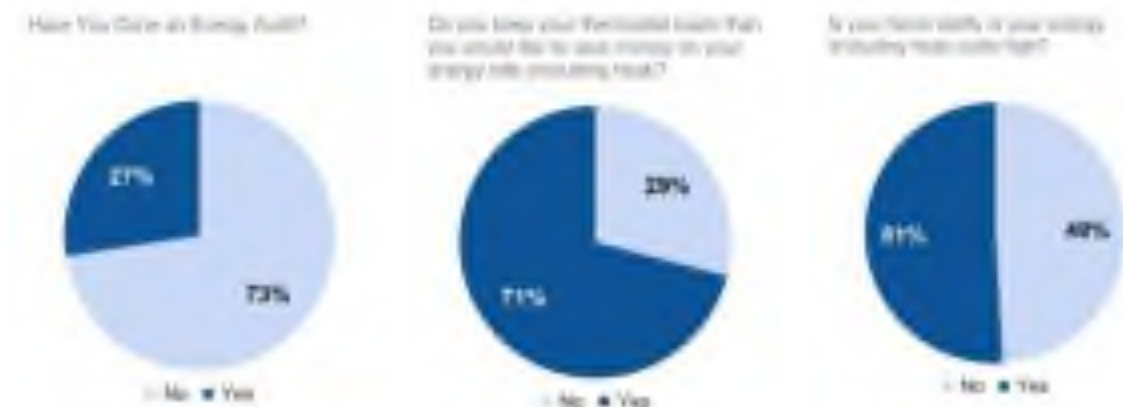
Those households under \$50k were more likely than other income groups to want no extra renewable energy; however, 83% of the income group was still interested in more renewable energy. Of those interested, 50% sought extra renewable energy if they could pay about the same they pay today. The other 33% was willing to pay a little or a lot more for extra renewable energy.

Do you want extra renewable energy, by household income?



- Nearly three-quarters (73%) of participants had not performed an energy audit, and the percentages were nearly identical across household income groups. There appears to be widespread opportunity for energy efficiency improvements, with nearly three-quarters (71%) reporting that they keep their thermostat lower than they would like in winter and over half (51%) reporting their home is drafty or heating costs are too high.

Energy efficiency



Survey Conclusions:

The majority of participants in Community Power programs typically remain in the default product rather than choosing any of the program optional products. Given the strong support for both renewable energy and cost parity demonstrated in the survey responses, it suggests that Keene would be well-served by a default

product designed with the goals of 1) achieving cost parity or savings compared to Eversource Default Service and 2) including some extra renewable energy.

Additionally, the survey highlighted that, for those that can afford it, the program should offer options with substantially more renewable energy for a price premium.

Although less than 8% of survey responses were not interested in extra renewable energy, it could be beneficial to have an optional product that would meet their needs by providing a lower-cost option with no extra renewable energy, particularly for those households in the lowest income bracket.

There is substantial opportunity for energy audits and efficiency improvements, suggesting support for energy efficiency by the Program would be valuable.

Respondents also cited an interest in local jobs, which the Program can support through demand for additional local renewable energy and by promotion greater participation in energy efficiency programs. Regional cooperation, particularly with neighboring municipalities, would amplify this impact as well.

Draft Plan: Public Hearings & Comments

The Committee held two additional public meetings on January 26, 2021 (12:00 pm and 6:30 pm) to present the survey findings, discuss how the results would be incorporated into the draft Community Power Plan, and provide an overview of other details to expect in the Community Power Plan.

On February 5, 2021 the draft Community Power Plan was posted publicly to the program website, [KeeneCommunityPower.com](https://www.keenecommunitypower.com). During the Committee's meeting on February 12, 2021, the Committee announced the availability of the draft Community Power Plan, invited comment and scheduled two public hearings for March 30, 2021 (12:00 pm and 6:30 pm). The Committee and the City promoted awareness of the draft Plan through diverse means including a formal hearing notice in the newspaper, press releases, postings on the City website and social media, and email outreach to the City's Community Power email list. The public was encouraged to submit comments ahead of the public hearings using the online comment form on the program's website, [KeeneCommunityPower.com](https://www.keenecommunitypower.com), and email, phone or written comment to the City's Community Development department.

The Committee received comments ahead of and during the public hearings. All public comment is available in the Committee's meeting packet for April 8, 2021.

3. Approval of Plan by Community Power Committee

The Committee discussed public comments and potential changes to the Community Power Plan during their Committee meeting on April 2, 2021. Additional public comment was provided during the meeting, and the Committee determined to reconvene on April 8, 2021 (see the Committee's meeting packet for April 8, 2021 for additional comment received).

In response to some of the public comments, the Committee revised the plan as follows:

- Adjusted the language describing the likely sources of additional renewable energy in the City's first supply contract to make it clear that local renewable energy generated within the "greater Monadnock region" could also be included, in addition to NH Class I renewable energy.
- Revised the procurement language to clearly allow for the procurement of power and Renewable Energy Credits (RECs) from the same facility (also known as "bundled") or purchase only one or the other from a facility (also known as "unbundled").
- Revised the procurement language to allow for the selection of multiple suppliers (for example, one for residential and small commercial and one for large industrial).
- Modified language throughout the plan to clarify what is meant by the term "local" in different contexts (e.g. "renewables that are on the ISO-New England electricity grid," or "within or as close as possible to Keene in New Hampshire").

The revised plan, including a red-line and clean version dated April 5, 2021, was included in the Committee's meeting packet for the meeting on April 8, 2021. During the meeting, the Committee discussed the revisions. The Committee then unanimously voted to approve the plan and recommend it to the City Council for adoption.

Subsequent to the meeting, on April 8, 2021, summary detail of the public hearings, public comment, Committee's deliberation and vote was added to the Historical Overview.

4. Adoption of Plan by City Council

At the City Council meeting on April 15, 2021 the Community Power Committee's report, which unanimously approved the City of Keene Community Power Plan and recommended adoption to the City Council, was read. The report was referred to the Finance, Organization & Personnel Committee (FOP). The FOP Committee met on April 22, 2021 to review the Plan. Representatives from City staff, the Community Power Committee and the Community Power Consultant presented to the FOP Committee, and following questions and discussion, the FOP Committee unanimously

voted to recommend adoption of the Plan. At the City Council meeting on May 6, 2021, the FOP Committee's recommendation was reported to the City Council, and the Council voted unanimously to adopt the Plan.

Subsequent to the meeting, on May 10, 2021, summary detail of the City Council review and adoption process was added to the Historical Overview.

5. Revision of Plan

The City amended the Plan in mid-March 2022 to better address questions of data security based on feedback provided by the Public Utilities Commission in orders on other Community Power plans. The City submitted its Plan to the Commission in April 2022 (DE 22-022), and it received an order in June 2022 which encouraged the City to re-submit the Plan closer to or after the completion of the rulemaking process for Community Power.

On July 27, 2022, the Commission voted to approve Community Power rules. The City further amended the Plan on July 31, 2022 to appropriately reference those rules.

6. Submission of Revised Plan to Public Utilities Commission

The City submitted the revised Plan to the Public Utilities Commission (PUC) on August 3, 2022 under the existing docket number (DE 22-022) and the PUC approved the revised Plan on October 3, 2022.

7. Adoption of Revised Plan by City Council

The City Council adopted the revised Plan at their meeting on November 3, 2022. Subsequent to the meeting, summary detail of the vote (#7) and the submission to the PUC (#6) were added to this Exhibit I.

8. Adoption of Revised Plan by City Council

The City amended the plan in February 2025 to enable it to collect additional revenue in its rates to support energy-related projects that would benefit Program participants. The City Council adopted the revised Plan at their meeting on March 20, 2025.

9. Adoption of Revised Plan by City Council

The City amended the Plan in August 2026 to enable different default products for customers on the New Hampshire Electric Assistance Program (EAP). The City Council adopted the revised Plan at their meeting on TBD.

Exhibit II - Education & Outreach Plan

1. Initial Outreach and Education

The initial outreach and education will provide a description of the Program for retail electric customers and will be conducted via traditional print and TV channels, social media, a dedicated website, public presentations and personal communications to inform retail electric customers about the Program and will include a toll-free number. This effort will provide specific information about the Program and increase public awareness of the goals of the Program and the upcoming opt-out notification process.

If any Program materials were to reference cost savings for any part of the Program, a notice would be included which states that the City cannot guarantee that the Program will provide customers with prices lower than the distribution utility's Default Service rate over the full term of any supply contract entered into by the City.

1.1 Media Outreach

Prior to the launch of the Program, the City will initiate media outreach that may include the use of local cable television shows, newspapers and social media to provide greater public education and to describe the Program, the opt-out process, the website, and the toll-free telephone number. Outreach may also include public service announcements (PSAs), scheduling interviews of Program spokespersons with local media outlets, and securing a positive media presence.

A news release may be distributed to help achieve the aforementioned goals. Follow-up news releases may be used to update the media on the status of the progress of the Program.

1.2 Notices and Public Postings

Brochures/flyers will be distributed in City offices describing the Program, the opt-out process and the toll-free telephone number in order to further reinforce the Program's details. Brochures/flyers may be placed in key gathering areas or buildings (e.g. library, Senior Center, etc.) which will create the necessary repetition of messages required to motivate customer action and build awareness and understanding.

1.3 Customer Service Center

The Program will maintain a toll-free telephone number to address retail electric customers' questions regarding the Program, deregulation, the opt-out process, price information and other issues such customers may raise.

1.4 Website

All information regarding the Program will be posted on the Program website, which is linked to the website of the City: <https://keenecommunitypower.com/>. The Program website will have links to the website of the electric distribution utility, the New Hampshire Public Utilities Commission (NHPUC), Department of Energy, and the Competitive Supplier.

1.5 Public Presentations

The Program will provide presentations to municipal officials and to interested community groups.

1.6 Outreach to Persons with Limited English Proficiency or Disabilities

The Program plans to make printed materials available in English. To accommodate limited English-speaking residents, the City will provide a translation option on its Program website (which contains all details on the Program including a description of the Program and its products, the implications to the City, and the rights and responsibilities that the participants will have under the Program) that will translate any written materials on the website into over 100 different languages. The website also will be designed with the goal of being compliant with the Americans with Disabilities Act (“ADA”) and will include formats that allow the content to be read out loud by computer assistive technology. Outreach efforts will be communicated in print and audio formats to provide access to both the hearing and visually impaired.

2. Customer Notification Letter

The Customer Notification Letters will be sent via standard mail to the billing address of each retail electric customer per section IV.b.II of the Plan. The Program will have two versions of this letter, one for Eligible Customers and one for other customers. The Competitive Supplier shall bear all expenses regarding the Customer Notification Letters.

2.1 Customer Notification Letter for Eligible Customers

Per section III.b of the Plan, all retail electric customers receiving Default Service supply from the electric distribution utility will be eligible for automatic enrollment in the Program (“Eligible Customers”). The notification envelope will be designed to appear as an official City communication and it will be clearly marked as containing time sensitive information related to the Program. The notification will contain a letter describing the Program.

The letter will inform Eligible Customers:

- a) about the Program, implications to the City and provide information regarding participation and participants' responsibilities and rights;
- b) that they have the right to opt-out of the Program without penalty;
- c) of all charges, prominently stated, with a comparison of price and primary terms of the Competitive Supplier and the current Default Service offering;
- d) that any savings under the Program compared to Default Service cannot be guaranteed because the Default Service rate is subject to changes
- e) about the opt-out process; and
- f) in languages other than English for appropriate customer groups (i.e. toll-free telephone number).

The letter will also contain an opt-out reply card with a simple check off and signature line for Eligible Customers who do not wish to participate. The envelope will be pre-stamped for return of the opt-out reply card in order to protect customer privacy.

Eligible Customers will have 33 days from the date of the mailing to mail back the opt-out card in a pre-addressed postage-paid envelope and the customer notification shall identify the specific date by which the envelopes containing the opt-out card must be postmarked. Automatic enrollment of customers will not start until three days after the date specified for the postmark of the return envelopes to allow for receipt of the opt-out cards prior to the start of automatic enrollments. New Eligible Customers will be enrolled in the Program in accordance with applicable Local Distributor Company rules. Upon initiation of service, these new Eligible Customers will receive the same customer information as all other Eligible Customers.

2.2. Customer Notification Letter for Other Customers

The Customer Notification Letter for other customers will, at a minimum, contain a description of the aggregation program, the implications to the City, and instructions for how to enroll in any of the Program products if desired.

3. Opt-Out Period Education & Outreach

After the Customer Notification Letters have been sent, City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the Program. This process will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter. It will also include a similar range of outreach activities as

enumerated in section 1.1 to 1.6.

4. Timeline and Preliminary Marketing Plan for Launch

The timeline and preliminary marketing plan identifies the steps the City may take to inform the community about the Program, as described in Sections 1 through 3 of Exhibit II. The schedule is designed to work towards the estimated date when the Customer Notification Letter is scheduled to arrive in customer mailboxes. The dates may be adjusted to ensure compliance with the minimum written notification timelines for the date of commencement of service to the NHPUC, the Office of Consumer Advocate, the Department of Energy Puc 2205.16.

The costs and implementation will be handled by the Community Power Consultant, under the direction of the City.

From estimated date Customer Notification Letter arrives in customer mailboxes		
Action	Days before	Days after
A. Update Program & Shopping Comparison Websites	15	Ongoing
B. Work with local media resources	15	30
C. Active social media outreach	15	30
D. Initial person presentations	15	30
E. Distribute marketing materials	15	30
F. Customer help line	15	Ongoing
G. Mail postcard to all Eligible Customers	5	-
H. Customer Notification Letters arrives	0	0

A. Program & Shopping Comparison Website Update:

Timeframe: 15 days before the estimated date that the customer notification letter arrives in customer mailboxes, then maintained on an ongoing basis.

The Program's website is <https://keenecommunitypower.com/>. After executing an ESA, the Program will update this website with a description of the Program and its

products, the implications to the City, and the rights and responsibilities that the participants will have under the Program.

The shopping comparison website is maintained by the Department of Energy to enable consumers to shop for electricity supply products. The Program will post its product information for residential and small commercial customers on the shopping comparison website. Such information will be posted on the website in advance of mailing the Customer Notification Letters.

B. Work with local media resources:

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives.

Area Newspapers:

The City will work with area print and online newspapers to disseminate accurate and timely information about the Program. As part of this targeted outreach to these papers, the City may seek a meeting with the editorial board to establish a good foundation for continued dialogue over the course of the contract. Other newspaper outlets may include other local publications.

- These papers include: Keene Sentinel, Monadnock Shopper News, and the New Hampshire Union Leader

Local Public Access Television:

The City intends to work with Cheshire TV channels for public (1301) and government (1302) access. City can record interviews about the Program and PSAs for upcoming meetings.

Other Television and Radio Stations

Develop press releases to send to other TV stations and radio stations.

- TV stations include WMUR (ABC, MANCHESTER, NH) Channel 9; WUTF (INDEPENDENT, WORCESTER, MA) Channel 27; WVTA (PBS, WINDSOR, VT) Channel 41; WWJE (INDEPENDENT, DERRY, NH) Channel 50; WEKW (PBS, KEENE, NH) Channel 52; WNEU (NBC, MERRIMACK, NH) Channel 60;
- Radio stations include WVBA (88.9 FM) Brattleboro, VT; WEVO (89.1 FM) Concord, NH; WEVN (90.7 FM) Keene, NH; WEEY (93.5 FM) Swanzey, NH; WSNI (97.7 FM) Keene, NH; WINQ (103.1 FM) Keene, NH; WKNE

(103.7 FM) Keene, NH; WYRY (105.5 FM) Keene, NH; WCNL (1010 AM) Newport, NH; WKBK (1290 AM) Keene, NH; WTSA (1450 AM) Brattleboro, VT

Municipal Staff Interviews

Develop Q&A Scripts and prepare municipal staff or volunteers for interviews.

C. Active Social Media Outreach

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives.

Boost all traditional media coverage on social media platforms, with the goal of driving traffic to the dedicated website of the City.

In concert with the communication leads of the City, develop a campaign of planned tweets and Facebook posts, timed to coincide with important milestones in order to keep ratepayers informed, particularly those that may not interact with traditional media on a regular basis. Draft content and graphics to accompany the posts, to be made by City staff.

- These accounts may include: City of Keene (Instagram, Facebook); City Manager (Twitter); Keene Community Development (Instagram, Facebook & Twitter) and Keene Public Library (Instagram, Facebook & Twitter).

Monitor various channels such as Facebook and Instagram for relevant conversations and questions about the Program. Draft responses to comments and questions and utilize social media as a critical tool in engaging with members of the community.

- These accounts may include: “Downtown Keene” Facebook page (@downtownkeene); the “Keene, NH” Facebook group (5.5k members); and “Keene NH Community Forum” Facebook group (1.5k members)

Identify key social media influencers in the City, including lawmakers, advocates and reporters. Develop a spreadsheet of the social media handles/accounts and reach out to them to keep them informed about the Program.

D. In Person Presentations

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives. This will include, as required in RSA 53:E-7, a public information meeting within 15 days of the mailing of the customer notification letter.

Local Groups

Connect with local groups and associations to see if representatives of the City can participate in an upcoming meeting or offer to host a dedicated event. Seek their assistance in identifying how to best connect with customers with limited-English capabilities or disabilities that may prevent them from accessing Program information.

- Example groups include: Neighborhood associations, Social service agencies, Business Focus Group, Rotary, Kiwanis, Lions, Chamber, Clean Energy team, Keene Young Professionals, Downtown Group, Board of Realtors, Keene Senior Center, Keene Off-campus Housing (landlords and tenants), Keene State College English as a Second Language (ESL) classes, CALL Program (Cheshire Academy for Lifelong Learning).

Reaching the business community will be important. Presenting to the Chamber of Commerce can start this dialogue and lead to additional outreach to and connection with businesses.

Council Meetings

Present or provide materials for the Council meetings and any constituent meeting they may have.

E. Distribute marketing materials

Timeframe: 15 days before to 30 days after the estimated date that the customer Notification Letter arrives.

Many groups may have a natural interest in promoting awareness about the Program and can be provided with electronic and hard-copy materials with reference information for the Program.

Distribute to key locations such as Municipal Offices and Public Library.

F. Customer Help Line

Timeframe: 15 days before the estimated date that the customer notification letter arrives and ongoing thereafter.

Establish customer helplines with the Competitive Supplier and Community Power Consultant to answer customer inquiries.

G. Mail Postcard to all Eligible Customers

Timeframe: 5 days before the estimated date that the customer notification letter arrives.

Post Card

Send out to Eligible Customers prior to Customer Notification Letter. Establishes that there is a community-sponsored Program and increases the likelihood that recipient engages with the more detailed Customer Notification Letter.

H. Customer Notification Letters arrive

Sent to all retail electric customers. See section 2 above for details.

5. Ongoing Outreach and Education

The City intends to continue outreach and education for customers after enrollment in the Program. The costs and implementation will be handled by the Community Power Consultant, under the direction of the City. These efforts will include:

- **Program impact:** Key metrics relating to cost performance, renewable energy purchases and Program enrollment. Particularly as the Program accomplishments relate to progress towards the City's ambitious short- and long- term goals for renewable energy and greenhouse gas emission reduction. This will also include the Energy Source Disclosure labels for the electricity supply;
- **Opt up campaigns:** On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law ("Opt up campaigns"). Increasing participation in these products will serve the City's goals to expand new renewable energy and reduce greenhouse gas emissions;
- **Customer awareness:** Rights and procedures for Program participants; contact information for customer inquiries, responses to frequently asked questions, and details regarding the Program's electric supply and renewable attributes.
- **Public input:** As the Program considers changes to further its progress toward a 100% renewable future and other goals, City will manage outreach to solicit input and feedback from the community.
- **Program changes and evolution:** Any changes in offerings and prices, which will be posted on the Program website that is linked to the website of the City.

The Program will utilize similar mediums for on-going education and outreach as for the initial launch education and outreach, including but not limited to: social media, traditional media, in-person meetings and presentations, outreach to local groups, video, and mail.

Translation of all materials will be provided as necessary to reach communities with limited English proficiency.

Exhibit III - Data Protection Plan

I. Introduction

The City of Keene (the “Municipality”) is developing a Community Power program (the “Program”), pursuant to RSA 53-E. A municipality that implements such a program is known as an aggregator (“Aggregator”). RSA 363:38 and PUC 2004.19 require that service providers, including Aggregators, protect individual and confidential customer data (“Individual Customer Data”). Individual Customer Data, as defined in RSA 363:38 and expanded in PUC 2004.19, means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information. Further, Aggregators must only use Individual Customer Data for the Program’s primary purpose, which may include 1) providing or billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) researching, developing and implementing new rate structures or demand response, customer assistance, energy management or energy efficiency programs. The Municipality’s Community Power Consultant has developed this Data Protection Plan to ensure that Individual Customer Data obtained as part of operation of the Program will be protected from disclosure and/or inappropriate use.

II. Elements of the Plan

1. Access to Customer Data

As part of the Program, the Community Power Consultant, local designees of the Municipality, and competitive electricity suppliers (“Suppliers”) selected to provide electricity for the Program (collectively, “Data Administrators”) will receive access to certain information on file with a customer’s local distribution company (“LDC” or “electric distribution utility”), including, among other things, the customer’s name, mailing address, and energy usage history (“Customer Data”). In particular, depending on the status of implementation of the Program, LDC’s may provide four types of Customer Data to Data Administrators: a) aggregated customer data, b) eligible customer data, c) retail electric customer contact information, and d) enrolled customer information. Each type of Customer Data is described more fully below.

- a. Aggregated Customer Data – contains certain information for all electric customers within a municipality, aggregated by rate class or other grouping. This

may include data such as the number of customers by rate class, counts of customers participating in net energy metering by rate class, counts of customers participating in electric assistance program by rate class, the aggregated energy (kWh) for electricity consumption by month for the past 12 months or more by rate class, and revenue, receipts and past-due accounts receivable.

b. Eligible Customer Data – contains certain information for each electricity customer currently receiving utility-provided default service within a municipality. This may include data such as capacity tags for current, prior and next power years, energy (kWh) for electricity consumption for the past 12 months or more, meter reading cycle, whether customer net meters and under which terms, and group net metering data including whether customer is a group net metering host or member of a net metering group, whether a group net metering customer-generator operates as a low-moderate income community solar project, the size of any such net metered generation and the year and month it was placed into service.

c. Retail Electric Customer Contact Information – comprises certain customer contact information for the provision of Program communications, such as Customer Notification Letters to retail electric customers. This may include such data as the customer of record's name, mailing address, account number, meter number, rate class, and email address.

d. Enrolled Customer Data – contains certain information for all individual customers who elected not to opt-out of the Program during the opt-out period. This may include such data as Name of customer and customer contact, Mailing address, Service address, Account number and related meter numbers, Name key, Contact information such as phone numbers, email address, Billing account number, Preferred billing and communication method, Billing cycle, Meter read date or cycle, Form or type of meter reading, Capacity tag information for past two years, current power year and forecasted next power year, Most recent 24 months of usage data, Current and historic status of net metering, distributed generation, Preferred billing and communication method, payment plans and electric assistance program participation, and Rate class.

2. Data Security

All Customer Data that is not anonymized (i.e. presented or aggregated in such a way that removes information that can be used to identify the individual customer that it pertains to, such that it does not constitute individual customer data as defined by RSA 363:37, I or PUC 2002.09) shall be considered Individual Customer Data.

Data Administrators will utilize industry standard physical, technical, and administrative controls and procedures to safeguard Individual Customer Data collected as part of the Program and to prevent unauthorized or accidental access, destruction, loss, alteration, or disclosure of, to protect against anticipated threats or hazards to the security, confidentiality, or integrity of, and to permit only the appropriate use of, such customer information.

To protect the confidentiality, integrity, and availability of Individual Customer Data, Data Administrators will utilize a variety of industry standard physical and logical access controls, firewalls, password protections, intrusion detection/prevention systems, network and database monitoring, and backup systems. These systems will be designed to cover all networks, servers, computers, notebooks, laptops, PDAs, mobile phones, or other devices that contain Individual Customer Data, or through which Individual Customer Data is made available.

Data Administrators will limit access to Individual Customer Data to those persons and entities having a specific business purpose for maintaining and processing such information. Those granted access to Individual Customer Data will be trained on their responsibilities to protect the confidentiality, integrity, and availability of such information.

Data Administrators will work cooperatively with the LDC(s), as necessary, to implement this Data Protection Plan, and will at a minimum, implement the following actions:

- a. Conduct a risk assessment to identify and assess reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of electronic, paper, and other records containing Individual Customer Data and evaluate and improve, where necessary, the effectiveness of their safeguards for limiting those internal and external risks;
- b. Timely notify the LDC(s) of any important modifications of this Data Protection Plan within a reasonable amount of time;
- c. Review and, as appropriate, revise this Data Protection Plan: (i) at least annually or whenever there is a material change in their business practices that may reasonably affect the security or integrity of Customer Data; (ii) in accordance with prevailing industry practices and applicable law; and (iii) as reasonably requested by the LDC(s). If the Data Administrators modify this Data Protection Plan following such a review, the Data Administrators will promptly notify the LDC(s) of such modifications and will provide the modifications to the LDC(s) in writing upon a LDC's request. The Data Administrators will at no time alter or modify this Data Protection Plan in such

- a way that will weaken or compromise the confidentiality, security, or integrity of Individual Customer Data;
- d. Maintain and enforce this Data Protection Plan in all locations where Individual Customer Data is processed by the Data Administrators;
 - e. Conduct security testing using a third party to provide monitoring penetration and intrusion testing with respect to Data Administrators systems and promptly provide a copy of the results to the LDC(s), provided that the third party may redact IP addresses and other client names and information;
 - f. Provide annual security awareness training to all individuals having access to Individual Customer Data and maintain a record of such training; and
 - g. Implement a standard process for identifying, assessing, and mitigating security risks.

3. Confidentiality

Data Administrators will not sell Individual Customer Data to others unless such sale is specifically authorized by the customer, or is required by law or court order. Data Administrators will not share, disclose, or provide Individual Customer Data to others, including their affiliates, unless such disclosure, or provision is required to operate the Program (i.e., the Program's "primary purpose", per RSA 363:38), is specifically authorized by the customer, or is required by law or court order. If Data Administrators request customer authorization to disclose Individual Customer Data, Data Administrators will first describe to the customer the information they intend to release and provide details concerning the recipient of such information.

Data Administrators will hold all Customer Data in strict confidence and except as otherwise needed for provision of the Program, required by law, or permitted as below, (a) not disclose Individual Customer Data to any other person or entity (including but not limited to Suppliers, subcontractors, and affiliates or members of the Community Power Consultant ; (b) not process Individual Customer Data outside of the United States; (c) not process Individual Customer Data other than in connection with the Program; (d) not process Individual Customer Data for any marketing purposes other than in connection with the Program; (e) limit reproduction of Individual Customer Data to the extent required for the Program; (f) store Individual Customer Data in a secure fashion at a secure location in the United States that is not accessible to any person or entity not authorized to receive the Individual Customer Data; and (g) otherwise use at least the same degree of care to avoid publication or dissemination of the Individual Customer Data as Data Administrators employ (or would employ) with respect to their own confidential information that they do not (or would not) desire to have published or disseminated, but in no event less than reasonable care.

4. Disclosure of Individual Customer Data

Notwithstanding the provisions of Section 3 above, the Data Administrators may disclose Individual Customer Data to their representatives who have a legitimate need to know or use such Individual Customer Data for the sole and limited purposes of administering and/or conducting the Program. Such representatives will first be advised of the sensitive and confidential nature of such Individual Customer Data and agree to comply with the provisions of this Data Protection Plan. Pursuant to PUC 200.19, Data Administrators may also provide Individual Customer Data to third parties for the purposes of 1) billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) implementing demand response, customer assistance, energy management or energy efficiency programs. Any such third parties will be required by contract to comply with the provisions of this Data Protection Plan.

In the event that Data Administrators or any of their representatives receive notice that they have, will, or may become compelled, pursuant to applicable law or regulation or legal process, to disclose any Individual Customer Data (whether by receipt of oral questions, interrogatories, requests for information or documents in legal proceedings, subpoenas, civil investigative demands, other similar processes or otherwise), Data Administrators will, except to the extent prohibited by law, immediately notify the LDC(s), orally and in writing, of the pending or threatened compulsion. To the extent lawfully allowable, the LDC(s) will have the right to consult with the Data Administrators and the parties will cooperate, in advance of any disclosure, to undertake any lawfully permissible steps to reduce and/or minimize the extent of Individual Customer Data that must be disclosed. The LDC(s) will also have the right to seek an appropriate protective order or other remedy reducing and/or minimizing the extent of Individual Customer Data that must be disclosed.

Data Administrators and their representatives will disclose only such Individual Customer Data which they are advised by legal counsel that they are legally required to disclose in order to comply with such applicable law or regulation or legal process (as such may be affected by any protective order or other remedy obtained by LDC) and Data Administrators and their representatives will use all reasonable efforts to ensure that all Individual Customer Data that is so disclosed will be accorded confidential treatment.

5. Return/Destruction of Individual Customer Data

Upon the expiration of the Program, or as otherwise required by law or Commission order, the Data Administrators will destroy all copies of any Individual Customer Data (including any and all extracts, compilations, studies or other documents based upon, derived from or containing Individual Customer Data) within their or their representatives' possession (including destroying Individual Customer Data from all systems, records, archives and backups), and all subsequent use and processing of the

Individual Customer Data by the Data Administrators and their representatives will cease.

Notwithstanding the foregoing, the Data Administrators and their representatives will not erase Individual Customer Data contained in an archived computer system backup maintained in accordance with their respective security or disaster recovery procedures. The Data Administrators will not provide access to or recovery of Individual Customer Data from such computer backup system and will keep all such Individual Customer Data confidential in accordance with this Data Protection Plan.

6. Data Security Incidents

The Data Administrators are responsible for any and all security incidents involving Individual Customer Data that is processed as part of the Program. The Data Administrators will notify the LDC(s) in writing immediately (and in any event within twenty-four (24) hours) whenever the Data Administrators reasonably believe that there has been a data security incident involving Individual Customer Data. After providing such notice, the Data Administrators will investigate the incident, and immediately take all necessary steps to eliminate or contain any exposure of Individual Customer Data. The Data Administrators will provide the LDC(s) with reasonable assistance and cooperation in the furtherance of any correction, remediation, or investigation of any such data security incidents and/or the mitigation of any damage, including any notification required by law or that LDC(s) may determine appropriate to send to individuals impacted or potentially impacted by such data security incident(s), and/or the provision of any credit reporting service required by law or that LDC(s) deems appropriate to provide to such individuals.

Unless required by law, the Data Administrators will not notify any individual or any third party other than law enforcement of any potential data security incidents involving Individual Customer Data without first consulting with, and obtaining the permission of, the LDC(s). Within 30 days of identifying or being informed of a data security incident, the Data Administrators will develop and execute a plan, with the cooperation of the LDC(s), which reduces the likelihood of a recurrence of such data security incident(s).

7. Additional Protections

The Data Administrators will comply with all applicable privacy and security laws to which it is subject, including this Data Protection Plan.

The Data Administrators will safely secure and/or encrypt all Individual Customer Data during storage and transmission.

The Data Administrators will have in place appropriate and reasonable processes and systems, including this Data Protection Plan, to protect the security of Individual Customer Data and to prevent a data security incident, including, without limitation, a breach resulting from or arising out of the Data Administrators' internal use, processing, or other transmission of Individual Customer Data, whether between or among their representatives, subsidiaries and affiliates, or any other person or entity acting on behalf of the Data Administrators.

The Data Administrators will work cooperatively with the LDC(s) to implement this Data Protection Plan, including: establishing policies and procedures to provide reasonable and prompt assistance to LDC(s) in responding to any and all requests, complaints, or other communications received from any individual who is or may be the subject of a data security incident involving Customer Data to the extent such request, complaint or other communication relates to the Data Administrators' processing of such individual's Individual Customer Data; and establishing policies and procedures to provide all reasonable and prompt assistance to LDC(s) in responding to any and all requests, complaints, or other communications received from any individual, government, government agency, regulatory authority, or other entity that is or may have an interest in the Individual Customer Data, data theft or other unauthorized release of Individual Customer Data, disclosure of Individual Customer Data, or misuse of Individual Customer Data to the extent such request, complaint or other communication relates to Data Administrators' processing of such individual's Individual Customer Data.

8. Use of Individual Customer Data

The Data Administrators will only use Individual Customer Data for the primary purposes, as defined in RSA 363:37, which may include 1) providing or billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) researching, developing and implementing new rate structures or demand response, customer assistance, energy management or energy efficiency programs.

II. Conclusion

The Data Protection Plan meets all of the requirements of RSA 363:38, RSA 363:37 and PUC 2004.19.

CITY OF KEENE COMMUNITY POWER PLAN



Adopted May 6, 2021~~February 10, 2025~~

Amendment Adopted March 20, 2026

~~Formally adopted by City Council on May 6, 2021~~

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~~Amended August 5, 2026~~

~~Formally adopted by City Council on TBD~~

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I. Community Power Goals and Vision

The City of Keene will develop and implement its Community Power Program (“Program”) as described in this Community Power Plan (“Plan”).

Community Power creates new electricity supply choices for Keene residents and businesses with the potential for cost and environmental benefits beyond that of the Default Service supply from the electric distribution utility, Eversource. Instead of simply utilizing Eversource’s electricity supply, Keene will bundle together the electricity needs of its residents and small businesses and put out a bid for an electricity supplier to provide the necessary electricity at competitive prices. With Community Power, the City is able to make strategic decisions about when to solicit bids, lock in fixed pricing for multiple years, and increase the amount of renewable energy above the existing statewide minimum. Eversource will continue to manage billing and maintain wires and poles.

Community Power is part of the City's comprehensive climate and energy planning process. One of the primary goals of Keene's process, embodied in the City Council's 2018 Resolution R 2018-36, is to achieve 100% renewable electricity use:

"It is the goal of the City of Keene that all electricity consumed in the City will come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Keene community, not just municipal government operations."

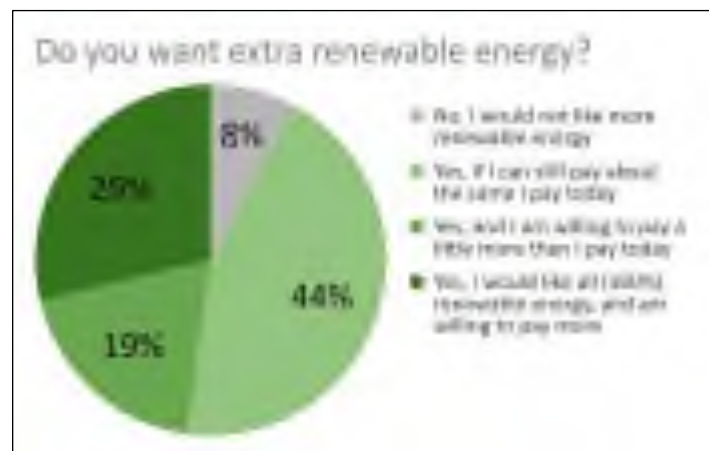
Keene's climate and energy planning process also seeks to support equity, energy efficiency, job creation, and climate resilience and preparedness.

To establish specific goals and a vision for the Program, the City held information sessions and surveyed community members to ask about their priorities and preferences. While individual opinions differed, there was strong support from the majority of survey respondents from all income classes and age groups for five community priorities related to electricity supply:

- Choice for electricity options
- Control of electricity costs
- Competitive rates and lower bills
- Increased local renewable energy
- Local jobs

Particularly strong among respondents was support for renewable energy. As shown at right, over 90% of all respondents indicated a desire for extra renewables, and almost half indicated a willingness to pay more for extra renewables.

The desire for extra renewable energy generally held across age and household income brackets, with the strongest support overall in the middle income bracket, as shown below.



Do you want extra renewable energy, by household income?



Detailed survey results can be found in **Exhibit I**.

The Keene community goals translate into the following goals for Keene's Community Power Program:

1. Establish a standard (or default) electricity supply product that value via competitive rates, uses more renewable energy, and s local renewable energy as defined in Section V.b.
2. Increase the contribution of renewables toward 100% renewable electricity for the entire Program by 2030, using optional products, tools and incentives that include:
 - Provide optional electricity supply products with alternative renewable electricity amounts (for example, 100%). Options afford individual participants the opportunity to meet higher renewable goals immediately and increase the overall renewable energy impact of the Program;
 - Catalyze the development of distributed energy resources within Keene, such as rooftop solar, by providing enhanced net metering and other incentives;
 - Explore opportunities to support the development of and utilize new renewable energy supply at utility scale within our region;
 - Support electrification, particularly of thermal and transportation sectors;
 - Support energy efficiency initiatives to reduce total Program electricity demand and costs for participants; and
 - Explore, and implement when possible, other tools and incentives successfully established elsewhere in New Hampshire, in other states or around the world (for example, time-of-use rate structures).
3. Engage the community to bring new ideas and resources into the Program, through

every means possible, over the life of the program. Also engage the community to assess how benefits of the Program can be allocated equitably.

4. Work with regulators, utilities and suppliers to craft solutions and remove barriers to harnessing all cost-effective solutions, especially recognizing that increased electrification will be part of the solution toward 100% transportation and thermal renewable energy by 2050.
5. Expand the Program's impact by empowering other communities with similar goals. This includes sharing information and materials to help launch other programs as well as evaluating regional buying groups as to whether they provide greater cost savings to all participants through economies of scale.

The vision for Keene Community Power is to launch a timely Community Power Program that provides community members with attractive choices and substantially enhanced renewable energy options at competitive prices, and opens a new promising community path to 100% renewable electricity in 2030.

Community Power is emerging as a leading strategy to reach multiple community goals efficiently and equitably. The City of Keene looks forward to refining this vision for meeting our 100% renewable energy goals and all of Keene's goals that are impacted by energy choices.

II. Process to Develop and Approve Plan

Before implementation, the Plan must be reviewed and approved by the Community Power Committee ("Committee") and adopted by the Keene City Council. The Committee will ensure that the Program satisfies all of the statutory requirements, including that the Plan provides universal access, reliability and equitable treatment for all classes of customers. This Plan was developed to demonstrate that the Program of the City satisfies all the requirements necessary for approval by the Committee and adoption by the City Council.

This plan was developed through the following process, consistent with New Hampshire Revised Statutes Annotated (RSA) 53-E:

1. Creation of Community Power Committee
2. Creation of a Draft Plan with public hearings,
3. Approval of Plan by Community Power Committee,
4. Adoption of Plan by City Council, and
5. Submission of Final Plan to Public Utilities Commission.

Please see **Exhibit I** for detail on these steps.

III. Customer Participation

III.a. Applicable classes of customers

The Community Power Program will be available for the residential, commercial and industrial classes of electricity customers as defined by City's electric distribution company, Eversource ("Applicable Classes"). See Eversource for current classes: <https://www.eversource.com/content/nh/residential/my-account/billing-payments/about-your-bill/rates-tariffs>

III.b. Universal access

The Plan provides for universal access for all customers by guaranteeing that all customer classes will be included in the Program under equitable terms.

All retail electric customers will have access to the Program. All retail electric customers receiving Default Service supply from the electric distribution utility will be eligible for automatic enrollment in the Program ("Eligible Customers"), and they will be automatically enrolled in the Program unless they choose to opt out.

All customers will have the right to opt-out of the Program at any time with no charge.

As required by the statute, there shall be equitable treatment of Applicable Classes within the Program.

III.c. Equitable treatment

The community power statute requires equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs and arrangements between different electric distribution utilities in their respective franchise territories. This does not mean that all classes of customers must be treated "equally," but rather that similarly situated classes of customers be treated "equitably."

Among applicable classes of customers, the Plan makes ~~four~~^{three} distinctions.

First, the Program will distinguish among customer classes by soliciting separate pricing for each of the same customer classes the electric distribution utility uses for the distribution service.

Second, the Program will distinguish between customers that participate in the New Hampshire Electric Assistance Program (EAP) and other customers by assigning a

[default product to EAP customers and a default product to all other customers.](#)

~~Third~~~~Second~~, the Program will distinguish between customers receiving the default product and customers that affirmatively choose an optional product. Customers selecting an optional product will be charged the price associated with that product.

~~Fourth~~~~Third~~, the Program will distinguish between customers that join the Program through an automatic enrollment process (i.e. customers who do not choose to opt-out) and customers that affirmatively elect to join the Program. Such distinction will determine whether the customer receives the price specified for their rate class and product set in the Electricity Supply Agreement (“Program pricing”) or a price based on market prices at the time the customer joins the Program.

- Customers that join through an automatic enrollment process include a) the initial Eligible Customers at the start of the Program and b) new Eligible Customers that move into the City after the Program start-date. All initial Eligible Customers will receive the Program pricing for their rate class. Among new Eligible Customers, the Program will distinguish between new residential and small commercial customers, who will receive the Program pricing, and all other commercial and industrial customers, who may receive pricing based on market prices at the time the customer joins the Program.
- Finally, customers that affirmatively elect to join include two types of customers: a) customers that were being served by a Competitive Supplier at the start of the Program but then later join the Program; and b) customers re-joining the Program after having previously opted out. Those customers that were being served by a Competitive Supplier at Program initiation but who later join the Program will be treated the same as new Eligible Customers – residential and small commercial customers will receive the Program pricing and all other commercial and industrial customers may be offered a price based on the then-current market rates. All customers that join the Program after having previously opted out may be offered a price based on then-current market rates rather than the Program price. This distinction is designed to limit any incentive for frequent switching back and forth between the Program and Default Service of the electric distribution utility.

III.d. Reliability

Reliability has both physical and financial components. The Program will address both through the Electricity Supply Agreement (“ESA”) with the Competitive Electric Power Supplier (“Competitive Supplier”), which shall be the Load Serving Entity. From a physical perspective, the ESA commits the Competitive Supplier to provide all-requirements power supply and to use proper standards of management and operations. All-requirements power supply includes all of the electrical energy, capacity, reserves,

ancillary services, transmission services, transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply to Program participants and meet the state’s Renewable Portfolio Standard and any additional renewable energy requirements of the default or optional products. The electric distribution utility will continue to remain responsible for delivery service, including the physical delivery of power to the customer, maintenance of the delivery system, and restoration of power in the event of an outage. From a financial perspective, the ESA requires the Competitive Supplier to pay actual damages for any failure to provide supply at the contracted rate (i.e., to pay the difference between the contract rate and the utility supply rate). The ESA requires the Competitive Supplier to maintain insurance and the Request for Proposals for a Competitive Supplier will require that an investment-grade entity either execute or guarantee the ESA. Accordingly, the Program satisfies the reliability requirement of the statute.

IV. Organizational Structure

IV.a Roles

Community Power Committee (CPC): The Finance, Organization and Personnel Committee, a standing committee of the City Council, voted to request that the Mayor constitute an ad-hoc Community Power Committee, as the designee of the Mayor and as established under RSA 53-E:6, to develop and approve a Community Power Plan for submission to and adoption by the City Council, as the legislative body of the City. The Committee will develop a draft plan, hold public hearings on the plan to solicit public input, revise the draft plan based on that input, and ultimately submit an approved Plan to the City Council. See **Exhibit I** for detail on the public input process.

City Council: In accordance with RSA 53-E:7, the City Council, as the legislative body of the municipality, will be the body to adopt the Community Power Plan after it has been approved by the Community Power Committee. The City Council will review and approve any proposed amendments to the Plan.

City Manager: The City Manager is designated by the City Council to provide direct management and oversight of the Plan on behalf of the City. The City Manager, or their designee(s), shall regularly meet with the Community Power Consultant for the purpose of providing oversight of the Plan and shall make recommendations to the City Council on Plan amendments. The City Manager shall authorize the issuance of bids for power supply and shall negotiate and execute a Electric Service Agreements (“ESA”) consistent with the products and goals described in this Plan.

Community Power Consultant: The Community Power Consultant will manage certain Program activities under the direction of the City Manager. Their responsibilities will include managing the supply procurement, developing and implementing the public

education plan, interacting with the electric distribution utility and monitoring the supply contract, as detailed in the professional services agreement. ~~Through a competitive procurement process the City has selected the partnership of Good Energy, L.P. and Standard Power (“GE/SP”) to provide these services.~~

Competitive Supplier: The Competitive Supplier will provide power for the Program, provide customer support including staffing a toll-free number for customer questions, and fulfill other responsibilities as detailed in the ESA. The Competitive Supplier shall be required to enter into an individual ESA with the City under terms deemed reasonable and appropriate for the retail electric customers by the City Manager.

Buying Group: The City may elect to join with other municipal aggregators in combining its load for purposes of soliciting bids from Competitive Suppliers. The purpose of the Buying Group is to allow municipal aggregators to capture the benefits of collective purchasing power while retaining full municipal autonomy. The City shall be represented by the City Manager, or their designee, on the executive committee of the Buying Group. The City, through the City Manager or their designee, shall select a Competitive Supplier based on the needs of the City and shall not be required to select the same terms or Competitive Supplier as other members of the Buying Group.

Retail electric customers: Retail electric customers shall include all electric customers taking distribution service of electricity located within the geographic boundaries of the City of Keene.

IV.b. Data Security

Pursuant to RSA 363:38 and PUC 2004.19, the Program, as an aggregator, is required to protect individual customer data that it may receive as part of Program implementation. See Exhibit III for the data protection plan to be used by the Program.

V. Electricity Supply Product Options

V.a. Default and Optional Electricity Supply Products

The Program offered the following electricity supply products in its initial ESA and may adjust these products in subsequent ESAs, taking into account the goals of the Program, market conditions and implementation experience. Current product offerings will always be posted at the Program website, KeeneCommunityPower.com. Any retail electric

customer that joins through an automatic enrollment process, shall be enrolled into the Program's default product, unless they affirmatively choose to enroll in any of the optional products.

	Default Product (Automatic enrollment)	Optional Products		
Product Name	Keene Local Green	Keene Basic	Keene 50% Local Green	Keene 100% Local Green
Product Goals	Increase renewable energy use while maintaining competitive rates	Most competitive rate (no increase in renewable energy use)	Significant increase in renewable energy use (e.g. 50%)	Largest increase in renewable energy use (e.g. 100%)

- **Default Product**

- **Keene Local Green:** The Program intends to offer Keene Local Green as its default product. The Keene Local Green product has a goal of maintaining rough cost parity with Eversource's Default Service supply while including extra renewable electricity above the Renewable Portfolio Standard ("RPS") required in New Hampshire. The exact amount of extra renewable electricity will be determined after the receipt of bids from competitive suppliers. It is expected to include 5-10% extra renewable energy in the initial ESA. It is the City's goal to increase this amount in subsequent ESAs, while maintaining cost parity with Eversource's Default Service. This product is intended to include as much local renewable energy as possible, as defined in Section V.b. Including additional renewable energy in this product enables customers to have a meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

- **Optional Products**

- **Keene Basic:** Some customers may feel that the amount of new, renewable energy required by the RPS in New Hampshire is sufficient to fulfill their renewable energy objectives. This product offers the same amount of renewable energy as Default Service from Eversource as required by the RPS of New Hampshire. Keene Basic will be the lowest cost option in the Program.
- **Keene 50% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to

50% local renewable energy above the RPS. The City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

- **Keene 100% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to 100% local renewable energy above the RPS. City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

The Program reserves the right to adjust product names as needed.

The Program notes that it cannot guarantee savings for any of its products compared to the utility Default Service rates, because utility Default Service rates may not be known for the entirety of any Program supply contract.

Any charge for the additional renewable energy would be included in the rate submitted to the electric distribution utility or be purchased separately as Renewable Energy Certificates (“RECs”) from a third party. RECs are the accepted legal instrument used to track renewable energy generation and to substantiate claims of renewable energy use. For every one megawatt-hour (MWh) of renewable electricity that is generated and fed onto our electricity grid, one REC is created. In order to claim the use of a certain quantity of renewable energy, one must hold and retire an equivalent quantity of RECs. Retiring a REC ensures that there can be no double counting of renewable energy (i.e. no one else may claim to use the same REC once it has been retired).

V.b. Green & Local Definitions

The term “Green” means that the product contains additional renewable energy, substantiated through REC retirement, above that required by state law.

“Local” means that the additional RECs come from renewable energy sources that are part of our ISO-New England electricity grid. This means the sources are located in New England or the energy is imported as allowed by ISO-New England from locations such as New York or eastern Canada. This stands in contrast to some electricity supplies that obtain RECs from national sources (e.g. Texas) in which the electricity is not part of our ISO-New England electricity grid.

In its procurement, as described in Section VI.a, Keene seeks to support renewable energy generation located within Keene or as close to Keene in New Hampshire as possible. Keene also seeks to support the growth of renewable energy, thereby displacing fossil fuels and reducing greenhouse gas (GHG) emissions.

V.c. NH Class I Renewable Energy

New Hampshire Class I renewable energy is known as “new renewable energy”. The State requires all electricity supplies to include a minimum quantity of Class I renewable energy, and that amount increases annually (currently plateauing after 2025). This increasing requirement, along with similar requirements in other New England states, has been a major driver of the growth of renewable energy in our region. If the Program voluntarily purchases additional Class I renewable energy at significant scale, Keene will augment this growth even further.

Class I renewable energy can come from wind, solar, small hydroelectric, biomass, methane, as well as hydrogen and ocean thermal, tidal or wave energy. These categories align with the Keene Energy Plan’s support for “Green Power” as defined by the US Environmental Protection Agency (EPA). All Class I renewable energy must have started operation after January 1, 2006 and must be physically delivered to our regional electricity grid, which means it can come from New England, New York or eastern Canada.

- Additional detail on NH Class I renewable energy, as well as the other classifications of renewable energy covered by the New Hampshire Renewable Portfolio Standard, may be found at <https://www.energy.nh.gov/renewable-energy/renewable-portfolio-standard>
- Additional detail on EPA’s Green Power definition can be found at <https://www.epa.gov/green-power-markets/learn-about-green-power-market>.

As described above, the City intends to purchase a portion of the RECs from renewable energy generators and include these RECs in a renewable energy product. If RECs are obtained through the Competitive Supplier, any charge for these RECs would be included in the same rate submitted to the electric distribution utility.

VI. Operation

The implementation of the Community Power Program requires extensive interaction between the City, the Competitive Supplier, and the electric distribution utility.

Following adoption of the Plan by the City Council, the key operational steps will be:

- a. Issue a Request for Proposals (RFP) for power supply, select a Competitive Supplier and provide notice

- b. Implement a public information program, including a Customer Notification Letters
- c. Enroll customers and provide service, including quarterly notifications and annual reporting
- d. Plan for Program evolution

These steps are described in the sections below.

VI.a. Issue an RFP for power supply, select a competitive supplier and provide notice

The City, under direction of the City Manager or its designee, will solicit bids from leading competitive suppliers, including those currently supplying community power programs in New England and other states. In seeking bids from competitive suppliers, the City may solicit bids for its load individually or as part of a Buying Group with other municipal aggregators. The RFP will require that the supplier satisfy key threshold criteria, including:

- Registration with the New Hampshire Public Utilities Commission (NHPUC)
- Strong financial background
- Experience serving the New England competitive market or community power programs (also known as municipal aggregations) in other states
- Demonstrated ability, supported by references, to provide strong customer service.
- Demonstrated ability to use Electronic Data Interchange (“EDI”) for enrollment of customers with the electric distribution utility or a plan to successfully complete testing required to use the electric distribution utility’s EDI prior to the mailing of the Customer Notification Letters

In addition, suppliers will be required to agree to the substantive terms and conditions of the ESA, including, for example, the requirement to:

- Provide all-requirements power supply at a fixed price
- Allow customers to exit the Program at any time on their next regular meter read with no charge
- Agree to specified customer service standards
- Comply with all requirements of the NHPUC and the electric distribution utility

The RFP will include data on Eligible Customer load and other characteristics provided to the City by the electric distribution utility pursuant to Puc 2204.02.

The City will solicit price bids from suppliers that meet the threshold criteria and agree to the terms and conditions of the ESA. The City will request bids for a variety of term lengths (e.g. 12, 24, 36 or 48 months) and for power from different sources. The City

Manager, or their designee(s), will determine the number of products, the appropriate level of renewable energy to be included with the default product and the optional products based upon their assessment of market conditions and what would be in the best interest of retail electric customers at the time of the solicitation. As noted in Section V.a., all claims of renewable energy use will be substantiated by the supplier obtaining and retiring the appropriate quantity of RECs. The City will require bidders to identify the technology, vintage, and location of the renewable energy generators that are the sources of the RECs. It will also require that the RECs be created and recorded in the New England Power Pool Generation Information System. The City may seek RECs from a variety of renewable energy sources; may elect to procure from those sources RECs, power or both; and will choose the best combination of environmental benefits and price. All additional RECs, above those required by the RPS, are initially expected to be New Hampshire Class I eligible RECs or RECs from sources located within the greater Monadnock region.

The City may provide customers with renewable energy generation source information through a variety of vehicles including the Program web site, content disclosure labels and the customer notification letter.

In consultation with its Community Power Consultant, the City Manager, or its designee, will evaluate the bid results including price, term and source. Whether the City conducts an individual solicitation or participates in a solicitation with a Buying Group, at the conclusion of the bidding process it will select a price, term and supplier appropriate for its retail electric customers. Participation in the Buying Group shall not require the City to select the same price, terms or supplier as other members of the Buying Group. If a bid is satisfactory, the City Manager, or its designee, shall execute an Electric Service Agreement (“ESA”) with the selected supplier(s). The City reserves the right to select supplier(s) per customer class (as distinguished in Section III.c. to ensure equitable treatment). If none of the bids is satisfactory, the City will reject all bids and repeat the solicitation for bids as often as needed until market conditions yield a price that is acceptable. The City will only accept a bid that enables it to launch the Program with a price, terms and characteristics that meet the criteria set by their municipal officials.

The City will provide written notice of its acceptance of a bid and the Program’s date of commencement of service to the NHPUC, the Office of Consumer Advocate, the Department of Energy as required by Puc 2204.04.

The Program will utilize consolidated billing such that the participating customers receive a single bill from the electric distribution utility that includes the charges for the Program’s electricity supply and all other charges from the electric distribution utility. The Program will confirm this choice of billing service by notifying the electric distribution utility of prior to the enrollment of customers, including providing any applicable Product details required pursuant to Puc 2205.16.

VI.b. Implement public information program including Customer Notification Letters

An Education and Outreach Plan is required to fully inform and educate potential customers and participants in advance of automatic enrollment in the Community Power Program. Customers, including customers with limited English language proficiency and disabilities, must be informed that they would be automatically enrolled in the Program and that they would have the right to opt-out of the Program without penalty. The purpose of the Education and Outreach Plan is to raise awareness and provide retail electric customers with information concerning their opportunities, options and rights for participation in the Program. To facilitate the Education and Outreach Plan, the City will utilize contact information for retail electric customers provided to the City by the electric distribution utility pursuant to Puc 2004.03.

The Education and Outreach Plan (**See Exhibit II**) consists of five components:

i. Initial Outreach and Education: This will be conducted after the selection of a Competitive Supplier and prior to arrival of the customer notification letter. It is intended to promote general awareness of the upcoming Program, minimize any questions generated by the arrival of the customer notification letter and maximize recipients' ability to make an informed choice about their participation in the Program. This effort will include information about the goals of the Program, the basic terms and conditions including renewable energy components, and the opt-out process. This effort will also include posting of the Program's product information for residential and small commercial customers on the Department of Energy's shopping comparison website. Such information will be posted on the website in advance of mailing the Customer Notification Letters.

ii. Customer Notification Letters: In addition to the initial outreach and education initiatives, a notice ("Customer Notification Letter") will be mailed to every retail electric customer. The Program will have two versions of this letter, one for Eligible Customers and one for other customers.

The Customer Notification Letter for Eligible Customers will contain a description of the aggregation program; the implications to the City; the rights and responsibilities that the participants will have under the Program; all details, including all rates, on the products offered by the Program; explain that the customer will be automatically enrolled in the default product unless they choose otherwise and identify the deadline to make such a choice; have instructions for how to not participate (opt out) via web, phone or a pre-addressed envelope and opt-out reply card included with the letter; and instruction for how to enroll in an optional Program product. The opt-out period will last a minimum of 30 days from

the date of mailing of the Customer Notification Letters.

The Customer Notification Letter for other customers will, at a minimum, contain a description of the aggregation program, the implications to the City, and instructions for how to enroll in any of the Program products if desired.

Prior to the mailing of the Customer Notification Letters, the Program will confirm with the Competitive Supplier and the electric distribution utility that the Competitive Supplier is able to use EDI for enrollment of Default Service customers into the Program.

iii. Opt-Out Period Education & Outreach: After the Customer Notification Letters have been sent, the City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the Program. This will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter.

iv. Timeline and Preliminary Marketing Plan for Launch: This component identifies the steps the City intends to take in marketing the Program including identification of media and other community resources, examples of education and outreach documents, and an expected timeframe for the outreach effort.

v. Ongoing Outreach & Education: This component describes the expected outreach and education activities following Program launch. Key elements include:

- Program goals and performance, particularly as they relate to progress towards the City's ambitious short- and long- term goals for renewable energy, particularly for 2030 and 2050.
- On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law ("Opt up campaigns"). Increasing participation in these products will serve the City's goals to expand new renewable energy and increase overall renewable energy use; AND
- Promotion and support of the NHSaves energy efficiency program, and future energy efficiency and weatherization programs

The attached Education and Outreach Plan (**Exhibit II**) describes in detail the City's anticipated outreach efforts, including a timeline.

VI.c. Enroll customers and provide service

i. Enroll Customers: After the conclusion of the opt-out period (i.e. no sooner than 37 days from the date of the postmark of the Customer Notification Letters, which includes 3 days for mailing, 30 days for customer consideration, and an additional 3 days for return of the replay card), the Competitive Supplier will enroll into the Program all retail electric customers on Default Service with the electric distribution utility who did not opt out and any other retail electric customers that have affirmatively requested in writing or through email to be enrolled into the Program. All enrollments and other transactions between the Competitive Supplier and the electric distribution utility will be conducted in compliance with the relevant provisions of New Hampshire Public Utilities Commission regulations, Terms and Conditions for Competitive Suppliers, and the protocols of the New Hampshire Electronic Business Transaction (EBT) standards.

After enrollment of each customer, the Program may receive billing information for each enrolled customer from the electric distribution utility pursuant to Puc 2205.13.

ii. Provide Service: Once customers are enrolled, the Program will provide all-requirements power supply service. The Program will also provide ongoing customer service, maintain the Program website, and process customer enrollments, ongoing opt outs, and customer selections of optional products. The Program will provide Energy Source Disclosure labels to participants as required by RSA 378:49.

Prior to the expiration of the initial ESA, the City intends to solicit a new power supply agreement, as described in **Section XIII. Method of Terminating and Entering Agreements with Other Entities**. If the City elects not to enter into a new power supply agreement, participating customers would return to Default Service as described in **Section XV. Extensions or Termination of Program**.

Retail electric customers that apply for new service with the electric distribution utility (e.g., new customers move into the City or move within the City), they will initially be enrolled in Default Service supply provided by the electric distribution utility. The Program will mail such customers a Customer Notification Letter for Eligible Customers per section IV.b.ii detailing the Plan and an opt-out card. At the end of the opt-out period they will be enrolled in the Program unless they elect to opt-out, per section IV.c.i. New customers also may proactively enroll by contacting the Program directly.

The City will update the information on the Program's products on the Department of Energy's comparison shopping website whenever such information changes.

iii. Annual Report: On an annual basis, the City Manager, or its designee(s) will

report to the City Council on the status of the Community Power Program, including the number of customers enrolled and opting-out, kilowatt-hour usage, customer savings, participation in renewable energy products, and such other information as the City may request. The information for this report will be prepared by the Community Power Consultant, and the Community Power Consultant will assist or lead in presenting to the City Council as desired by the City Manager.

iv. Data Portal: The Community Power Consultant will make available to the City Manager and its designee(s) a secure, password-protected cloud-based data portal that provides the ability to run reports on key Program metrics and performance.

VI.d. Plan for Program evolution

City seeks to continually improve the Program and progress towards its long-term goals. To this end, the Community Power Consultant and City will regularly assess new opportunities such as technologies, services, regulatory policy changes, and more for their applicability to the Program. Community Power Consultant will develop appropriate strategies to integrate these opportunities into the Program. Community Power Consultant will support the City to present new opportunities to the City Council for their consideration and approval, if amendments to the Plan are needed.

VII. Funding

All of the costs of the Program will be funded through the per kilowatt-hour rates established in the ESA. Only Program participants will pay for the costs of the Program, listed below.

The primary cost will be the cost of the Competitive Supplier for the power supply, which will be funded through a per kilowatt-hour power supply rate component. These costs will be established through the competitive solicitation for a supplier.

The administrative costs of the Program will be funded through a per kilowatt-hour administrative rate component that will be paid by the Competitive Supplier to the Community Power Consultant, as specified in the ESA. This rate component will cover the services of the Community Power Consultant, including developing the Community Power Plan, managing the supply procurement, developing and implementing the public education plan, providing customer support, interacting with the electric distribution utility, monitoring the supply contract, and providing ongoing reports.

The City may choose to collect a per kilowatt-hour discretionary energy reserve fund rate component that will be paid by the Competitive Supplier to the City, as specified in the ESA. The City shall deposit and maintain such amounts in an enterprise fund to be used

for the cost of providing energy-related benefits to Program participants and supporting Program goals. Examples of such uses include (1) supporting development of new renewable energy projects, (2) supporting electrification of thermal and transportation uses, and (3) other energy-related programs and services. The City Council shall provide authorization for the use of funds from the discretionary energy reserve fund rate component. The City Manager will determine the appropriate amount of discretionary energy reserve fund rate component to include in each product in each ESA, within a range pre-approved by the City Council.

VIII. Rate Setting and Other Costs to Participants

The Program is offered on an opt-out basis, such that Eligible Customers will be automatically enrolled unless they proactively choose to opt out.

As described above, the Program's per kilowatt-hour rates will include the power supply, administrative, and discretionary energy reserve fund rate components, and applicable taxes pursuant to the ESA. Prices, terms, and conditions may differ among customer classes, which classes will be the same as the Default Service customer classes of the electric distribution utility. The frequency of price changes will be determined through the competitive bid process. The City expects to solicit bids for a number of different contract terms. Prices may change as specified in the winning bid and customers will be notified of price changes through media releases and postings on the Community Power Program website.

Regulatory events, such as new or altered requirements for the Renewable Portfolio Standard, or new taxes may result in a direct, material increase in costs during the term of the ESA. In such cases, the City and the Competitive Supplier will negotiate a potential change in the Program price. At least 30 days prior to the implementation of any such change, the City will notify customers of the change in price by issuing a media release and posting a notice in City Hall and on the Program website. The City shall also notify the NHPUC Consumer Services and External Affairs Division prior to implementation of any change in the Program price related to a regulatory event or new taxes. Such notice shall be provided prior to notifying customers and will include copies of all media releases, postings on the City and Program websites and any other communications the City intends to provide to customers regarding the price change.

The Program affects only the electricity supply charges of the customers. Delivery charges will be unchanged and will continue to be charged by the electric distribution utility in accordance with tariffs approved by the NHPUC.

Participants in the Program will receive one bill from the electric distribution utility that includes both the power supply charge of the Competitive Supplier and the delivery charge of the electric distribution utility. Any applicable taxes will be billed as part of

the Program's power supply charge.

Participants in the Program will be able to opt-out of the Program and transfer to Default Service with the electric distribution utility or to another competitive supplier. Such requests submitted to the Program will be submitted by the Competitive Supplier to the electric distribution utility for processing on the customer's next available regular meter read date. There shall be no penalty or exit fee for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge if such a service is available from the electric distribution utility.

IX. Net Metering Compensation

In accordance with RSA 362-A:9, II, the Program may determine the terms and conditions for net metering. In order to support the development of distributed energy resources within Keene, the Program will seek to offer net metering terms and conditions - for standard, alternative and group net metering - equal to or better than that provided on Default Service. To this end, the Program will evaluate the net metering terms and conditions offered by competitive suppliers as part of the procurement and bid selection process.

To ensure net metering customers can make a fully informed decision on their participation in the Program, the Program will tailor all education and outreach materials to clearly communicate any and all differences between the net metering value and operation provided by the Program and Default Service.

Additionally, the Program will evaluate how any proposed or implemented changes to the utility metering or billing infrastructure may create new opportunities to enhance the net metering benefits.

X. Electric Assistance Program and other discounts

The New Hampshire Electric Assistance Program (EAP) provides qualifying customers with a discount on their monthly electric bill. The New Hampshire Legislature authorized funding for this statewide program as part of electric utility deregulation. All electric utility ratepayers support the statewide EAP through the System Benefits Charge (SBC) portion of their electric bill.

The EAP for income-eligible customers that may qualify for a discount off their monthly electric bill would continue for participants in the Program. The level of discount depends on household income, household size and electricity usage.

The EAP discount does apply to the Supplier Services portion of an electric bill when a customer chooses an independent supplier for their electricity needs. The participants in the Program who are enrolled in the EAP will receive their discounts by the same method they presently receive their discount. Participation in the Program is independent of enrollment in the EAP and does not impact the EAP discount.

Other discount programs administered by Community Action Programs that address the needs of low-income residents would continue for participants in the Program.

XI. Aggregating Municipalities & Buying Group

Participating in a buying group may offer the potential for the City to expand its buying power for greater economies of scale and to support the City's goal of acting as a regional leader, supporting other municipalities to access the benefits for Community Power. Keene will evaluate opportunities for such a buying group before issuing a bid for competitive supply. See **Section VI.a. Issue an RFP for Power Supply and Select a Competitive Supplier** for details on the implementation of a buying group.

Additionally, the City reserves its right, in accordance with RSA 53-E:6, I, to join with other municipalities or counties for its Community Power Plan and implementing its Community Power Program. Any changes to the Community Power Plan must be reviewed and approved by the City Council.

XII. Promoting Energy Efficiency

In addition to supporting cost-competitive and cleaner electricity, the City seeks to leverage the Community Power Program to help reduce energy use. This will initially take the form of cross-promoting awareness of efficiency programs through the Program's education and outreach. The Program will also evaluate opportunities for more direct support of energy efficiency.

Promotional education will focus on existing energy efficiency and conservation programs, such as New Hampshire's Weatherization Assistance Program for low-income households and the New Hampshire Saves (NHSaves) program, which provides customers with information, incentives and support designed to save energy, reduce costs, and protect our environment statewide. NHSaves is funded by electric and natural gas ratepayers and delivered by Eversource, Liberty Utilities, New Hampshire Electric Cooperative and Unitil to make homes, businesses and towns more sustainable and more comfortable places to live and work, both now and in the future. Through NHSaves customers can receive a Home Energy Assessment. The assessment identifies energy-saving opportunities in the home and provides the customer with an energy report. The report includes information on equipment rebates and no-cost products, as well as access

to 0% financing and a limited time offers, such as up to 100% off approved insulation. The assessment can also include delivery of energy-saving products recommended by the Energy Specialist, such as LED light bulbs, advanced power strips, and thermostats that can be installed right away to start saving money and energy.

If and when additional energy efficiency and conservation programs or initiatives become available, the Program will evaluate how to incorporate them into its promotional outreach and education.

XIII. Method of Entering and Terminating Agreements with Other Entities

The process for entering, modifying, enforcing, and terminating all agreements associated with the Plan will comply with the municipal charter, federal and state law and rules and regulations, and the provisions of the relevant agreement.

The City plans to use the same process described in **Section IV.a.** of this Plan to solicit bids and enter into any subsequent ESAs with the assistance of its then-current Community Power Consultant. Customers will be notified of subsequent ESAs through press releases and public notices. The transfer of customers from the existing supplier to the new supplier will be coordinated with the electric distribution utility using established Electronic Data Interchange (EDI) protocols.

If the City determines that it requires the services of a Community Power Consultant after expiration of the existing agreement with GE/SP, it will evaluate opportunities to solicit a Community Power Consultant individually or as part of a group of municipalities aggregating the electric load of their respective customers. The City will solicit proposals for, and evaluate, potential Community Power Consultants using a competitive procurement process or alternative procedure which the City determines to be in the best interest of its customers and consistent with all applicable local, state and federal laws and regulations.

XIV. Rights and Responsibilities of Program Participants

All participants will have the right to opt out of the Program at any time without charge. They may exercise this right by any of the following: 1) calling the toll-free number of the Competitive Supplier; 2) contacting the electric distribution utility and asking to be returned to Default Service; or 3) enrolling with another competitive supplier.

All participants will have available to them the customer protection provisions of the law and regulations of New Hampshire, including the right to question billing and service quality practices. Customers will be able to ask questions of and register complaints with the City, the Community Power Consultant, the Competitive Supplier, the electric

distribution utility and the NHPUC. As appropriate, the City and the Community Power Consultant will direct customer complaints to the Competitive Supplier, the electric distribution utility or the NHPUC.

Participants will continue to be responsible for paying their bills and for providing access to metering and other equipment necessary to carry out utility operations. Participants are responsible for requesting any exemption from the collection of any applicable taxes and must provide appropriate documentation of such exemption to the Competitive Supplier.

XV. Extensions or Termination of Program

Prior to the end of the term of the initial ESA, the City will solicit bids for a new supply agreement and plans to continue the Program with the same or new competitive supplier.

Although the City is not contemplating a termination date, the Program could be terminated upon the termination or expiration of the ESA without any extension, renewal, or negotiation of a subsequent supply contract, or upon the decision of the City to dissolve the Program effective on the end date of the existing ESA. In the event of termination, customers would return to the Default Service of the electric distribution utility, unless they choose an alternative competitive supplier. The City will notify customers of a planned termination of the Program through media releases and postings on the Program website.

The City will notify the electric distribution utility of the planned termination or extension of the Program in writing. In particular, the City will provide the electric distribution utility notice: (1) 90 days prior to a planned termination of the Program; (2) 90 days prior to the end of the anticipated term of the ESA; and (3) four business-days after the successful negotiation of a new ESA. The City will also provide written notice to the NHPUC 90 days prior to a planned termination, which notice shall include copies of all media releases, City Hall and website postings and other communications the City intends to provide customers regarding the termination of the Program and the return of participants to Default Service. The City will also provide written notice 90 days prior to a planned termination to the Office of the Consumer Advocate and the Department of Energy.

In the event of unplanned termination of the Program because that the Program can no longer provide service to its customers, the Program shall provide immediate written notice to the NHPUC describing the market suspension or other event that caused the Program to no longer be able to provide service, the effective time of the inability to provide service, and the notice provided to customers of the timing and consequences of the cessation of the Program's service. The Program shall file a copy of such notice at the same time to the office of the Office of the Consumer Advocate, the Department of

Energy, and the electric distribution utility.

In the event of the termination of the Program, it is the responsibility and requirement of the Competitive Supplier to return the customers to Default Service of the electric distribution utility in accordance with the then applicable EDI rules and procedures.

In the event of the termination of the Program, the balance of any funds accrued by the Program's discretionary energy reserve fund, if any, would be available for distribution or application as directed by the City Council and in accordance with any applicable law and regulation.

XVI. Planned Schedule

The planned schedule below is presented for illustrative purposes. The final schedule will be established once the Program has received all necessary approvals and will ensure compliance with the all required notification timelines prior to Program commencement.

Day	Action or Event
1	Issue RFP for Competitive Supplier
31	ESA executed between City and Competitive Supplier. Program provides required notifications to NHPUC, Department of Energy, Office of Consumer Advocate, and electric distribution utility.
32	Competitive Supplier receives retail electric customer mailing data and data needed for Eligible Customer enrollment in Program
48	Competitive Supplier, at its expense, mails Customer Notification Letters to all retail electric customers, including identifying the return date by which the reply card envelopes for Eligible Customers must be mailed and postmarked
51	Retail electric customers receive Customer Notification Letter in the mail
81	Return date by which Eligible Customers deciding to opt-out must mail a reply card in pre-paid envelope to Competitive Supplier.
85	Competitive Supplier removes all Eligible Customers who opt out from the Eligible Customer list
85	Competitive Supplier sends "supplier enrolls customer" EDI for all Eligible Customers that did not opt-out and any other customers that affirmatively elected to opt-in to the Program.

90

Service begins as of each customer's next meter read date

XVII. Conclusion

Keene's Community Power Program meets all of the requirements of the Community Power law, including providing universal access, a reliable power supply and treating all customer classes equitably. The City looks forward to launching the Program and pursuing the benefits of a competitive power supply, renewable energy, and electricity choice for its retail electric customers.

Exhibit I - Historical Overview

List of Revisions

Adopted by City Council on May 6, 2021

Amended July 31, 2022

Approved by New Hampshire Public Utilities Commission October 3, 2022

Adopted by City Council on November 3, 2022

Amended February 10, 2025

Adopted by City Council on March 20, 2025

Amended August 5, 2026

Formally adopted by City Council on TBD

1. Creation of Community Power Committee

On June 18, 2020 the Keene City Council approved the formation of an Ad-Hoc Community Power Committee (CPC). From City Council Minutes June 18, 2020:

FOP REPORT - COMMUNITY POWER PROGRAM & AD HOC COMMUNITY POWER COMMITTEE - ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

The Mayor brought forward the Finance, Organization and Personnel Committee report recommending that the Mayor be requested to constitute an ad-hoc Community Power Committee to develop a Community Power Plan for submission to the City Council in accordance with RSA 53-E. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

APPOINTMENT OF AN AD HOC COMMUNITY POWER COMMITTEE

The Mayor appointed an ad hoc Community Power Committee that would be charged with developing a community power plan for the citizens of Keene. The appointments from the Mayor included: Dr. Ann Shedd, Peter Hansel, Paul Roth, Jeffrey Titus, Michael Giacomo and Daniel Belluscio. A motion by Councilor Powers to confirm the appointments was duly seconded by Councilor Bosley. On roll call vote, 15 Councilors were present and voting in favor. The appointments were confirmed.

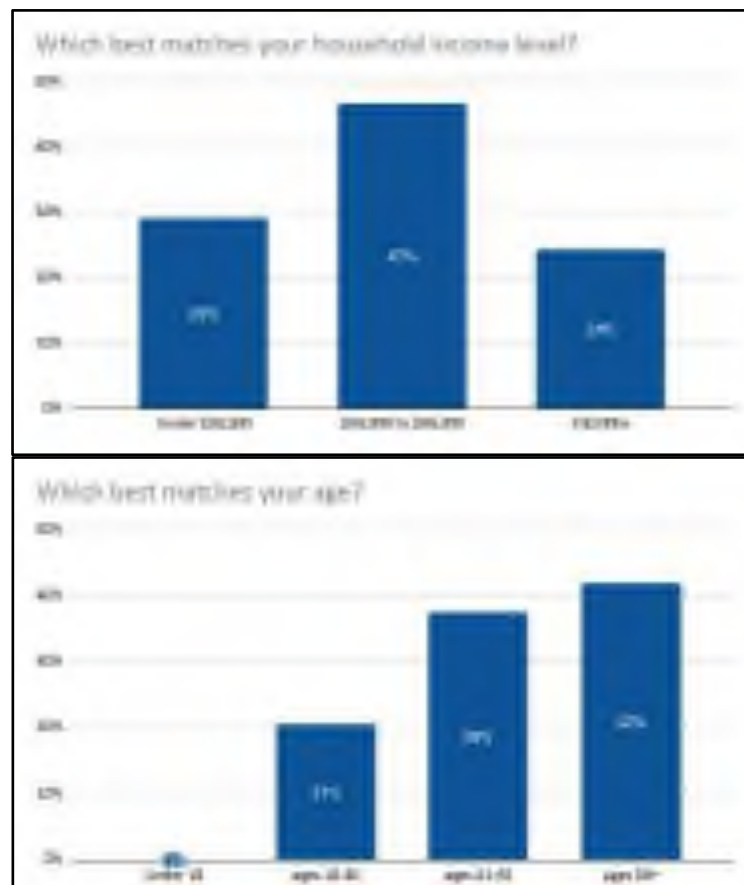
2. Creation of a Draft Plan with public hearings

The Committee, supported by City Staff and the Community Power Consultant,

held two public information sessions on December 8, 2020 to promote awareness of the development of a Community Power Plan and to begin gathering input. Also on December 8, 2020, the Committee released a community survey open for approximately one month through January 7, 2021. The survey was available online and via paper in the Monadnock Shopper News. The online survey and the City's website, KeeneEnergyPlan.com also hosted two educational videos about Community Power. KeeneEnergyPlan.com has hosted additional educational resources about Community Power, including an FAQ page, podcast and interviews with municipal leaders from active community power (also known as municipal aggregation) programs, such as Medford, Massachusetts.

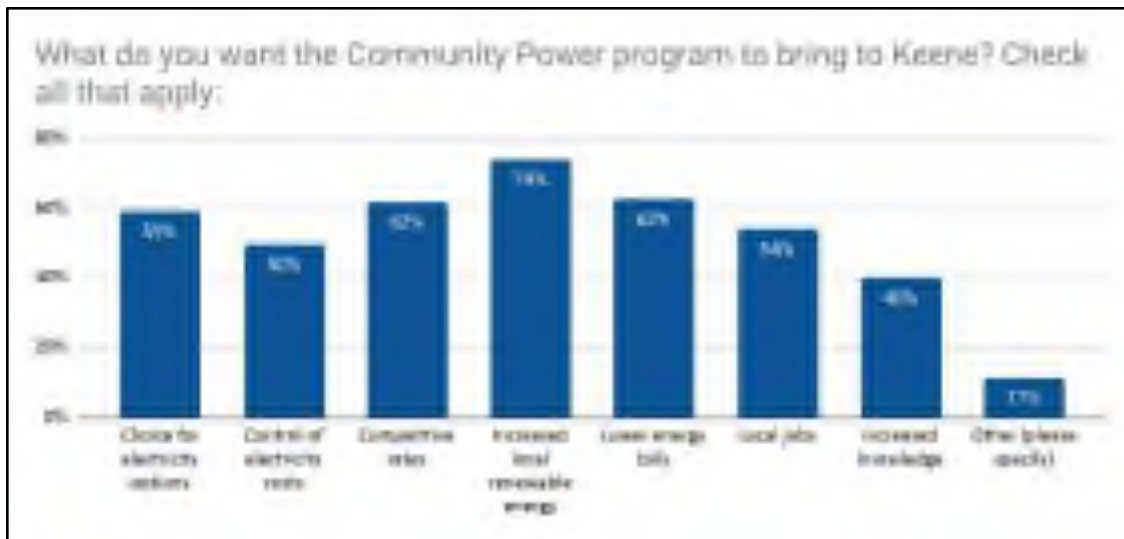
The survey received 126 responses, 97 online and 29 in paper via the Monadnock Shopper News. Key survey findings:

- 86% of respondents currently receive supply from Eversource Default Service. Such customers would be eligible for automatic enrollment in the Program.
- The survey had a well-distributed diversity of household income groups and age, as shown below:

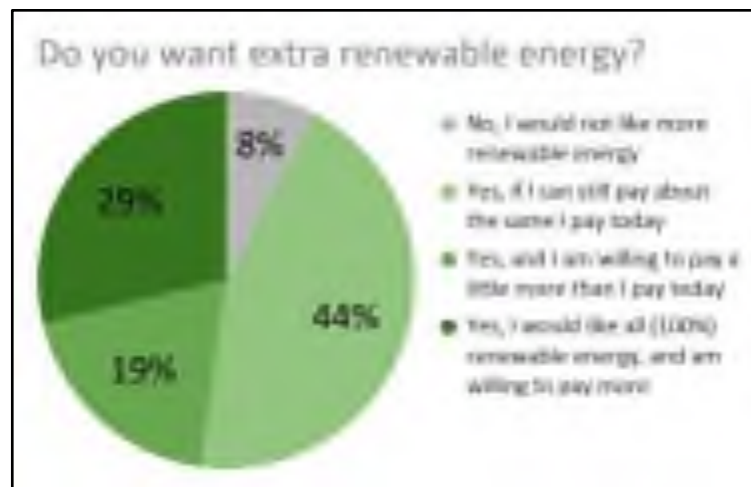


- Respondents identified a range of benefits they are interested in with

Community Power:



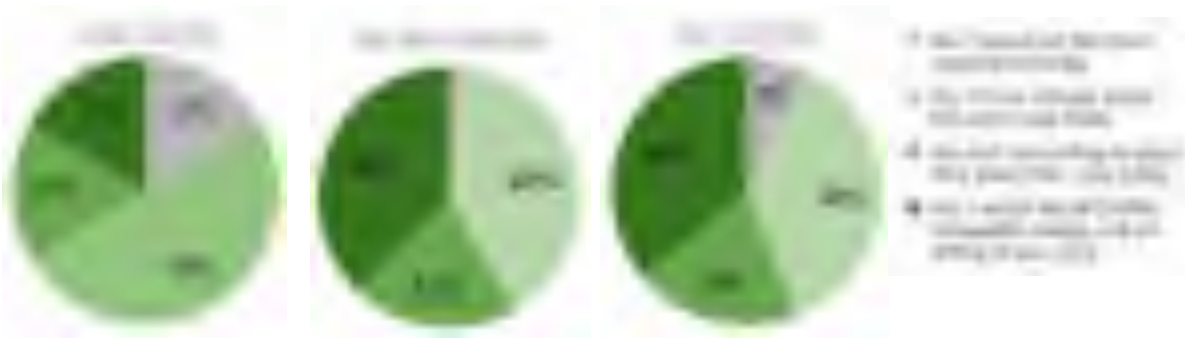
- 92% of respondents were interested in including more renewable energy in their electricity. Of those interested, roughly half (45%) sought extra renewable energy if they could pay about the same they pay today. The other half (55%) was willing to pay a little or a lot more for extra renewable energy.



- When analyzing preferences for renewable energy and cost by household income, a similar pattern remains for each income group.

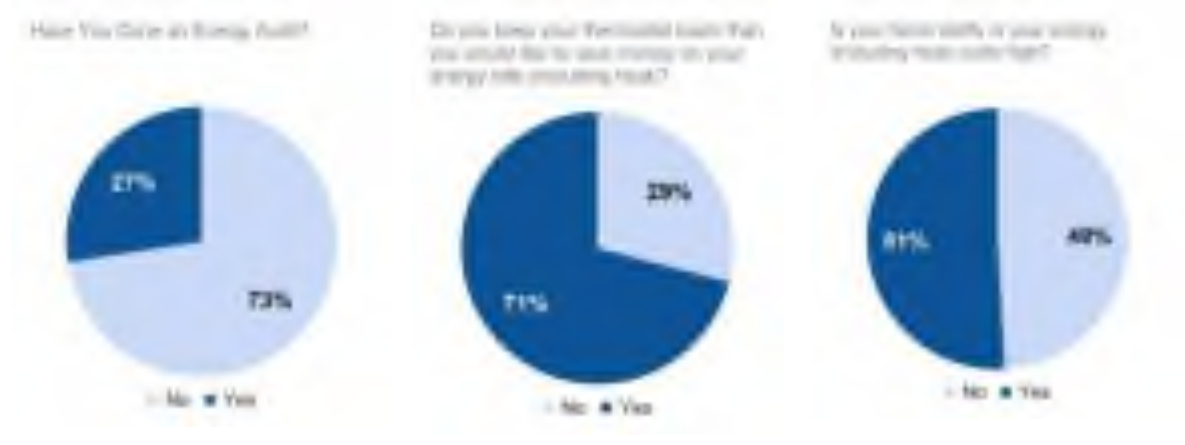
Those households under \$50k were more likely than other income groups to want no extra renewable energy; however, 83% of the income group was still interested in more renewable energy. Of those interested, 50% sought extra renewable energy if they could pay about the same they pay today. The other 33% was willing to pay a little or a lot more for extra renewable energy.

Do you want extra renewable energy, by household income?



- Nearly three-quarters (73%) of participants had not performed an energy audit, and the percentages were nearly identical across household income groups. There appears to be widespread opportunity for energy efficiency improvements, with nearly three-quarters (71%) reporting that they keep their thermostat lower than they would like in winter and over half (51%) reporting their home is drafty or heating costs are too high.

Energy efficiency



Survey Conclusions:

The majority of participants in Community Power programs typically remain in the default product rather than choosing any of the program optional products. Given the strong support for both renewable energy and cost parity demonstrated in the survey responses, it suggests that Keene would be well-served by a default

product designed with the goals of 1) achieving cost parity or savings compared to Eversource Default Service and 2) including some extra renewable energy.

Additionally, the survey highlighted that, for those that can afford it, the program should offer options with substantially more renewable energy for a price premium.

Although less than 8% of survey responses were not interested in extra renewable energy, it could be beneficial to have an optional product that would meet their needs by providing a lower-cost option with no extra renewable energy, particularly for those households in the lowest income bracket.

There is substantial opportunity for energy audits and efficiency improvements, suggesting support for energy efficiency by the Program would be valuable.

Respondents also cited an interest in local jobs, which the Program can support through demand for additional local renewable energy and by promoting greater participation in energy efficiency programs. Regional cooperation, particularly with neighboring municipalities, would amplify this impact as well.

Draft Plan: Public Hearings & Comments

The Committee held two additional public meetings on January 26, 2021 (12:00 pm and 6:30 pm) to present the survey findings, discuss how the results would be incorporated into the draft Community Power Plan, and provide an overview of other details to expect in the Community Power Plan.

On February 5, 2021 the draft Community Power Plan was posted publicly to the program website, [KeeneCommunityPower.com](https://www.keenecommunitypower.com). During the Committee's meeting on February 12, 2021, the Committee announced the availability of the draft Community Power Plan, invited comment and scheduled two public hearings for March 30, 2021 (12:00 pm and 6:30 pm). The Committee and the City promoted awareness of the draft Plan through diverse means including a formal hearing notice in the newspaper, press releases, postings on the City website and social media, and email outreach to the City's Community Power email list. The public was encouraged to submit comments ahead of the public hearings using the online comment form on the program's website, [KeeneCommunityPower.com](https://www.keenecommunitypower.com), and email, phone or written comment to the City's Community Development department.

The Committee received comments ahead of and during the public hearings. All public comment is available in the Committee's meeting packet for April 8, 2021.

3. Approval of Plan by Community Power Committee

The Committee discussed public comments and potential changes to the Community Power Plan during their Committee meeting on April 2, 2021. Additional public comment was provided during the meeting, and the Committee determined to reconvene on April 8, 2021 (see the Committee's meeting packet for April 8, 2021 for additional comment received).

In response to some of the public comments, the Committee revised the plan as follows:

- Adjusted the language describing the likely sources of additional renewable energy in the City's first supply contract to make it clear that local renewable energy generated within the "greater Monadnock region" could also be included, in addition to NH Class I renewable energy.
- Revised the procurement language to clearly allow for the procurement of power and Renewable Energy Credits (RECs) from the same facility (also known as "bundled") or purchase only one or the other from a facility (also known as "unbundled").
- Revised the procurement language to allow for the selection of multiple suppliers (for example, one for residential and small commercial and one for large industrial).
- Modified language throughout the plan to clarify what is meant by the term "local" in different contexts (e.g. "renewables that are on the ISO-New England electricity grid," or "within or as close as possible to Keene in New Hampshire").

The revised plan, including a red-line and clean version dated April 5, 2021, was included in the Committee's meeting packet for the meeting on April 8, 2021. During the meeting, the Committee discussed the revisions. The Committee then unanimously voted to approve the plan and recommend it to the City Council for adoption.

Subsequent to the meeting, on April 8, 2021, summary detail of the public hearings, public comment, Committee's deliberation and vote was added to the Historical Overview.

4. Adoption of Plan by City Council

At the City Council meeting on April 15, 2021 the Community Power Committee's report, which unanimously approved the City of Keene Community Power Plan and recommended adoption to the City Council, was read. The report was referred to the Finance, Organization & Personnel Committee (FOP). The FOP Committee met on April 22, 2021 to review the Plan. Representatives from City staff, the Community Power Committee and the Community Power Consultant presented to the FOP Committee, and following questions and discussion, the FOP Committee unanimously

voted to recommend adoption of the Plan. At the City Council meeting on May 6, 2021, the FOP Committee's recommendation was reported to the City Council, and the Council voted unanimously to adopt the Plan.

Subsequent to the meeting, on May 10, 2021, summary detail of the City Council review and adoption process was added to the Historical Overview.

5. Revision of Plan

The City amended the Plan in mid-March 2022 to better address questions of data security based on feedback provided by the Public Utilities Commission in orders on other Community Power plans. The City submitted its Plan to the Commission in April 2022 (DE 22-022), and it received an order in June 2022 which encouraged the City to re-submit the Plan closer to or after the completion of the rulemaking process for Community Power.

On July 27, 2022, the Commission voted to approve Community Power rules. The City further amended the Plan [on July 31, 2022](#) to appropriately reference those rules.

6. Submission of Revised Plan to Public Utilities Commission

The City submitted the revised Plan to the Public Utilities Commission (PUC) on August 3, 2022 under the existing docket number (DE 22-022) and the PUC approved the revised Plan on October 3, 2022.

7. Adoption of Revised Plan by City Council

The City Council adopted the revised Plan at their meeting on November 3, 2022. Subsequent to the meeting, summary detail of the vote (#7) and the submission to the PUC (#6) were added to this Exhibit I.

8. Adoption of Revised Plan by City Council

The City amended the plan in February 2025 to enable it to collect additional revenue in its rates to support energy-related projects that would benefit Program participants. The City Council adopted the revised Plan at their meeting on March 20, 2025.

9. Adoption of Revised Plan by City Council

[The City amended the Plan in August 2026 to enable different default products for customers on the New Hampshire Electric Assistance Program \(EAP\). The City Council adopted the revised Plan at their meeting on TBD.](#)

Exhibit II - Education & Outreach Plan

1. Initial Outreach and Education

The initial outreach and education will provide a description of the Program for retail electric customers and will be conducted via traditional print and TV channels, social media, a dedicated website, public presentations and personal communications to inform retail electric customers about the Program and will include a toll-free number. This effort will provide specific information about the Program and increase public awareness of the goals of the Program and the upcoming opt-out notification process.

If any Program materials were to reference cost savings for any part of the Program, a notice would be included which states that the City cannot guarantee that the Program will provide customers with prices lower than the distribution utility's Default Service rate over the full term of any supply contract entered into by the City.

1.1 Media Outreach

Prior to the launch of the Program, the City will initiate media outreach that may include the use of local cable television shows, newspapers and social media to provide greater public education and to describe the Program, the opt-out process, the website, and the toll-free telephone number. Outreach may also include public service announcements (PSAs), scheduling interviews of Program spokespersons with local media outlets, and securing a positive media presence.

A news release may be distributed to help achieve the aforementioned goals. Follow-up news releases may be used to update the media on the status of the progress of the Program.

1.2 Notices and Public Postings

Brochures/flyers will be distributed in City offices describing the Program, the opt-out process and the toll-free telephone number in order to further reinforce the Program's details. Brochures/flyers may be placed in key gathering areas or buildings (e.g. library, Senior Center, etc.) which will create the necessary repetition of messages required to motivate customer action and build awareness and understanding.

1.3 Customer Service Center

The Program will maintain a toll-free telephone number to address retail electric customers' questions regarding the Program, deregulation, the opt-out process, price information and other issues such customers may raise.

1.4 Website

All information regarding the Program will be posted on the Program website, which is linked to the website of the City: <https://keenecommunitypower.com/>. The Program website will have links to the website of the electric distribution utility, the New Hampshire Public Utilities Commission (NHPUC), Department of Energy, and the Competitive Supplier.

1.5 Public Presentations

The Program will provide presentations to municipal officials and to interested community groups.

1.6 Outreach to Persons with Limited English Proficiency or Disabilities

The Program plans to make printed materials available in English. To accommodate limited English-speaking residents, the City will provide a translation option on its Program website (which contains all details on the Program including a description of the Program and its products, the implications to the City, and the rights and responsibilities that the participants will have under the Program) that will translate any written materials on the website into over 100 different languages. The website also will be designed with the goal of being compliant with the Americans with Disabilities Act (“ADA”) and will include formats that allow the content to be read out loud by computer assistive technology. Outreach efforts will be communicated in print and audio formats to provide access to both the hearing and visually impaired.

2. Customer Notification Letter

The Customer Notification Letters will be sent via standard mail to the billing address of each retail electric customer per section IV.b.II of the Plan. The Program will have two versions of this letter, one for Eligible Customers and one for other customers. The Competitive Supplier shall bear all expenses regarding the Customer Notification Letters.

2.1 Customer Notification Letter for Eligible Customers

Per section III.b of the Plan, all retail electric customers receiving Default Service supply from the electric distribution utility will be eligible for automatic enrollment in the Program (“Eligible Customers”). The notification envelope will be designed to appear as an official City communication and it will be clearly marked as containing time sensitive information related to the Program. The notification will contain a letter describing the Program.

The letter will inform Eligible Customers:

- a) about the Program, implications to the City and provide information regarding participation and participants' responsibilities and rights;
- b) that they have the right to opt-out of the Program without penalty;
- c) of all charges, prominently stated, with a comparison of price and primary terms of the Competitive Supplier and the current Default Service offering;
- d) that any savings under the Program compared to Default Service cannot be guaranteed because the Default Service rate is subject to changes
- e) about the opt-out process; and
- f) in languages other than English for appropriate customer groups (i.e. toll-free telephone number).

The letter will also contain an opt-out reply card with a simple check off and signature line for Eligible Customers who do not wish to participate. The envelope will be pre-stamped for return of the opt-out reply card in order to protect customer privacy.

Eligible Customers will have 33 days from the date of the mailing to mail back the opt-out card in a pre-addressed postage-paid envelope and the customer notification shall identify the specific date by which the envelopes containing the opt-out card must be postmarked. Automatic enrollment of customers will not start until three days after the date specified for the postmark of the return envelopes to allow for receipt of the opt-out cards prior to the start of automatic enrollments. New Eligible Customers will be enrolled in the Program in accordance with applicable Local Distributor Company rules. Upon initiation of service, these new Eligible Customers will receive the same customer information as all other Eligible Customers.

2.2. Customer Notification Letter for Other Customers

The Customer Notification Letter for other customers will, at a minimum, contain a description of the aggregation program, the implications to the City, and instructions for how to enroll in any of the Program products if desired.

3. Opt-Out Period Education & Outreach

After the Customer Notification Letters have been sent, City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the Program. This process will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter. It will also include a similar range of outreach activities as

enumerated in section 1.1 to 1.6.

4. Timeline and Preliminary Marketing Plan for Launch

The timeline and preliminary marketing plan identifies the steps the City may take to inform the community about the Program, as described in Sections 1 through 3 of Exhibit II. The schedule is designed to work towards the estimated date when the Customer Notification Letter is scheduled to arrive in customer mailboxes. The dates may be adjusted to ensure compliance with the minimum written notification timelines for the date of commencement of service to the NHPUC, the Office of Consumer Advocate, the Department of Energy Puc 2205.16.

The costs and implementation will be handled by the Community Power Consultant, under the direction of the City.

From estimated date Customer Notification Letter arrives in customer mailboxes		
Action	Days before	Days after
A. Update Program & Shopping Comparison Websites	15	Ongoing
B. Work with local media resources	15	30
C. Active social media outreach	15	30
D. Initial person presentations	15	30
E. Distribute marketing materials	15	30
F. Customer help line	15	Ongoing
G. Mail postcard to all Eligible Customers	5	-
H. Customer Notification Letters arrives	0	0

A. Program & Shopping Comparison Website Update:

Timeframe: 15 days before the estimated date that the customer notification letter arrives in customer mailboxes, then maintained on an ongoing basis.

The Program's website is <https://keenecommunitypower.com/>. After executing an ESA, the Program will update this website with a description of the Program and its

products, the implications to the City, and the rights and responsibilities that the participants will have under the Program.

The shopping comparison website is maintained by the Department of Energy to enable consumers to shop for electricity supply products. The Program will post its product information for residential and small commercial customers on the shopping comparison website. Such information will be posted on the website in advance of mailing the Customer Notification Letters.

B. Work with local media resources:

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives.

Area Newspapers:

The City will work with area print and online newspapers to disseminate accurate and timely information about the Program. As part of this targeted outreach to these papers, the City may seek a meeting with the editorial board to establish a good foundation for continued dialogue over the course of the contract. Other newspaper outlets may include other local publications.

- These papers include: Keene Sentinel, Monadnock Shopper News, and the New Hampshire Union Leader

Local Public Access Television:

The City intends to work with Cheshire TV channels for public (1301) and government (1302) access. City can record interviews about the Program and PSAs for upcoming meetings.

Other Television and Radio Stations

Develop press releases to send to other TV stations and radio stations.

- TV stations include WMUR (ABC, MANCHESTER, NH) Channel 9; WUTF (INDEPENDENT, WORCESTER, MA) Channel 27; WVTA (PBS, WINDSOR, VT) Channel 41; WWJE (INDEPENDENT, DERRY, NH) Channel 50; WEKW (PBS, KEENE, NH) Channel 52; WNEU (NBC, MERRIMACK, NH) Channel 60;
- Radio stations include WVBA (88.9 FM) Brattleboro, VT; WEVO (89.1 FM) Concord, NH; WEVN (90.7 FM) Keene, NH; WEEY (93.5 FM) Swanzey, NH; WSNI (97.7 FM) Keene, NH; WINQ (103.1 FM) Keene, NH; WKNE

(103.7 FM) Keene, NH; WYRY (105.5 FM) Keene, NH; WCNL (1010 AM) Newport, NH; WKBK (1290 AM) Keene, NH; WTSA (1450 AM) Brattleboro, VT

Municipal Staff Interviews

Develop Q&A Scripts and prepare municipal staff or volunteers for interviews.

C. Active Social Media Outreach

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives.

Boost all traditional media coverage on social media platforms, with the goal of driving traffic to the dedicated website of the City.

In concert with the communication leads of the City, develop a campaign of planned tweets and Facebook posts, timed to coincide with important milestones in order to keep ratepayers informed, particularly those that may not interact with traditional media on a regular basis. Draft content and graphics to accompany the posts, to be made by City staff.

- These accounts may include: City of Keene (Instagram, Facebook); City Manager (Twitter); Keene Community Development (Instagram, Facebook & Twitter) and Keene Public Library (Instagram, Facebook & Twitter).

Monitor various channels such as Facebook and Instagram for relevant conversations and questions about the Program. Draft responses to comments and questions and utilize social media as a critical tool in engaging with members of the community.

- These accounts may include: “Downtown Keene” Facebook page (@downtownkeene); the “Keene, NH” Facebook group (5.5k members); and “Keene NH Community Forum” Facebook group (1.5k members)

Identify key social media influencers in the City, including lawmakers, advocates and reporters. Develop a spreadsheet of the social media handles/accounts and reach out to them to keep them informed about the Program.

D. In Person Presentations

Timeframe: 15 days before to 30 days after the estimated date that the customer notification letter arrives. This will include, as required in RSA 53:E-7, a public information meeting within 15 days of the mailing of the customer notification letter.

Local Groups

Connect with local groups and associations to see if representatives of the City can participate in an upcoming meeting or offer to host a dedicated event. Seek their assistance in identifying how to best connect with customers with limited-English capabilities or disabilities that may prevent them from accessing Program information.

- Example groups include: Neighborhood associations, Social service agencies, Business Focus Group, Rotary, Kiwanis, Lions, Chamber, Clean Energy team, Keene Young Professionals, Downtown Group, Board of Realtors, Keene Senior Center, Keene Off-campus Housing (landlords and tenants), Keene State College English as a Second Language (ESL) classes, CALL Program (Cheshire Academy for Lifelong Learning).

Reaching the business community will be important. Presenting to the Chamber of Commerce can start this dialogue and lead to additional outreach to and connection with businesses.

Council Meetings

Present or provide materials for the Council meetings and any constituent meeting they may have.

E. Distribute marketing materials

Timeframe: 15 days before to 30 days after the estimated date that the customer Notification Letter arrives.

Many groups may have a natural interest in promoting awareness about the Program and can be provided with electronic and hard-copy materials with reference information for the Program.

Distribute to key locations such as Municipal Offices and Public Library.

F. Customer Help Line

Timeframe: 15 days before the estimated date that the customer notification letter arrives and ongoing thereafter.

Establish customer helplines with the Competitive Supplier and Community Power Consultant to answer customer inquiries.

G. Mail Postcard to all Eligible Customers

Timeframe: 5 days before the estimated date that the customer notification letter arrives.

Post Card

Send out to Eligible Customers prior to Customer Notification Letter. Establishes that there is a community-sponsored Program and increases the likelihood that recipient engages with the more detailed Customer Notification Letter.

H. Customer Notification Letters arrive

Sent to all retail electric customers. See section 2 above for details.

5. Ongoing Outreach and Education

The City intends to continue outreach and education for customers after enrollment in the Program. The costs and implementation will be handled by the Community Power Consultant, under the direction of the City. These efforts will include:

- **Program impact:** Key metrics relating to cost performance, renewable energy purchases and Program enrollment. Particularly as the Program accomplishments relate to progress towards the City's ambitious short- and long- term goals for renewable energy and greenhouse gas emission reduction. This will also include the Energy Source Disclosure labels for the electricity supply;
- **Opt up campaigns:** On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law ("Opt up campaigns"). Increasing participation in these products will serve the City's goals to expand new renewable energy and reduce greenhouse gas emissions;
- **Customer awareness:** Rights and procedures for Program participants; contact information for customer inquiries, responses to frequently asked questions, and details regarding the Program's electric supply and renewable attributes.
- **Public input:** As the Program considers changes to further its progress toward a 100% renewable future and other goals, City will manage outreach to solicit input and feedback from the community.
- **Program changes and evolution:** Any changes in offerings and prices, which will be posted on the Program website that is linked to the website of the City.

The Program will utilize similar mediums for on-going education and outreach as for the initial launch education and outreach, including but not limited to: social media, traditional media, in-person meetings and presentations, outreach to local groups, video, and mail.

Translation of all materials will be provided as necessary to reach communities with limited English proficiency.

Exhibit III - Data Protection Plan

I. Introduction

The City of Keene (the “Municipality”) is developing a Community Power program (the “Program”), pursuant to RSA 53-E. A municipality that implements such a program is known as an aggregator (“Aggregator”). RSA 363:38 and PUC 2004.19 require that service providers, including Aggregators, protect individual and confidential customer data (“Individual Customer Data”). Individual Customer Data, as defined in RSA 363:38 and expanded in PUC 2004.19, means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information. Further, Aggregators must only use Individual Customer Data for the Program’s primary purpose, which may include 1) providing or billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) researching, developing and implementing new rate structures or demand response, customer assistance, energy management or energy efficiency programs. The Municipality’s [Community Power Consultant](#) ~~has aggregation consultants, Good Energy and Standard Power, have~~ developed this Data Protection Plan to ensure that Individual Customer Data obtained as part of operation of the Program will be protected from disclosure and/or inappropriate use.

II. Elements of the Plan

1. Access to Customer Data

As part of the Program, [the Community Power Consultant](#) ~~Good Energy, Standard Power,~~ local designees of the Municipality, and competitive electricity suppliers (“Suppliers”) selected to provide electricity for the Program (collectively, “Data Administrators”) will receive access to certain information on file with a customer’s local distribution company (“LDC” or “electric distribution utility”), including, among other things, the customer’s name, mailing address, and energy usage history (“Customer Data”). In particular, depending on the status of implementation of the Program, LDC’s may provide four types of Customer Data to Data Administrators: a) aggregated customer data, b) eligible customer data, c) retail electric customer contact information, and d) enrolled customer information. Each type of Customer Data is described more fully below.

- a. Aggregated Customer Data – contains certain information for all electric customers within a municipality, aggregated by rate class or other grouping. This may include data such as the number of customers by rate class, counts of customers participating in net energy metering by rate class, counts of customers participating in electric assistance program by rate class, the aggregated energy (kWh) for electricity consumption by month for the past 12 months or more by rate class, and revenue, receipts and past-due accounts receivable.
- b. Eligible Customer Data – contains certain information for each electricity customer currently receiving utility-provided default service within a municipality. This may include data such as capacity tags for current, prior and next power years, energy (kWh) for electricity consumption for the past 12 months or more, meter reading cycle, whether customer net meters and under which terms, and group net metering data including whether customer is a group net metering host or member of a net metering group, whether a group net metering customer-generator operates as a low-moderate income community solar project, the size of any such net metered generation and the year and month it was placed into service.
- c. Retail Electric Customer Contact Information – comprises certain customer contact information for the provision of Program communications, such as Customer Notification Letters to retail electric customers. This may include such data as the customer of record's name, mailing address, account number, meter number, rate class, and email address.
- d. Enrolled Customer Data – contains certain information for all individual customers who elected not to opt-out of the Program during the opt-out period. This may include such data as Name of customer and customer contact, Mailing address, Service address, Account number and related meter numbers, Name key, Contact information such as phone numbers, email address, Billing account number, Preferred billing and communication method, Billing cycle, Meter read date or cycle, Form or type of meter reading, Capacity tag information for past two years, current power year and forecasted next power year, Most recent 24 months of usage data, Current and historic status of net metering, distributed generation, Preferred billing and communication method, payment plans and electric assistance program participation, and Rate class.

2. Data Security

All Customer Data that is not anonymized (i.e. presented or aggregated in such a way that removes information that can be used to identify the individual customer that it

pertains to, such that it does not constitute individual customer data as defined by RSA 363:37, I or PUC 2002.09) shall be considered Individual Customer Data.

Data Administrators will utilize industry standard physical, technical, and administrative controls and procedures to safeguard Individual Customer Data collected as part of the Program and to prevent unauthorized or accidental access, destruction, loss, alteration, or disclosure of, to protect against anticipated threats or hazards to the security, confidentiality, or integrity of, and to permit only the appropriate use of, such customer information.

To protect the confidentiality, integrity, and availability of Individual Customer Data, Data Administrators will utilize a variety of industry standard physical and logical access controls, firewalls, password protections, intrusion detection/prevention systems, network and database monitoring, and backup systems. These systems will be designed to cover all networks, servers, computers, notebooks, laptops, PDAs, mobile phones, or other devices that contain Individual Customer Data, or through which Individual Customer Data is made available.

Data Administrators will limit access to Individual Customer Data to those persons and entities having a specific business purpose for maintaining and processing such information. Those granted access to Individual Customer Data will be trained on their responsibilities to protect the confidentiality, integrity, and availability of such information.

Data Administrators will work cooperatively with the LDC(s), as necessary, to implement this Data Protection Plan, and will at a minimum, implement the following actions:

- a. Conduct a risk assessment to identify and assess reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of electronic, paper, and other records containing Individual Customer Data and evaluate and improve, where necessary, the effectiveness of their safeguards for limiting those internal and external risks;
- b. Timely notify the LDC(s) of any important modifications of this Data Protection Plan within a reasonable amount of time;
- c. Review and, as appropriate, revise this Data Protection Plan: (i) at least annually or whenever there is a material change in their business practices that may reasonably affect the security or integrity of Customer Data; (ii) in accordance with prevailing industry practices and applicable law; and (iii) as reasonably requested by the LDC(s). If the Data Administrators modify this Data Protection Plan following such a review, the Data Administrators will promptly notify the LDC(s) of such modifications and will provide the

modifications to the LDC(s) in writing upon a LDC's request. The Data Administrators will at no time alter or modify this Data Protection Plan in such a way that will weaken or compromise the confidentiality, security, or integrity of Individual Customer Data;

- d. Maintain and enforce this Data Protection Plan in all locations where Individual Customer Data is processed by the Data Administrators;
- e. Conduct security testing using a third party to provide monitoring penetration and intrusion testing with respect to Data Administrators systems and promptly provide a copy of the results to the LDC(s), provided that the third party may redact IP addresses and other client names and information;
- f. Provide annual security awareness training to all individuals having access to Individual Customer Data and maintain a record of such training; and
- g. Implement a standard process for identifying, assessing, and mitigating security risks.

3. Confidentiality

Data Administrators will not sell Individual Customer Data to others unless such sale is specifically authorized by the customer, or is required by law or court order. Data Administrators will not share, disclose, or provide Individual Customer Data to others, including their affiliates, unless such disclosure, or provision is required to operate the Program (i.e., the Program's "primary purpose", per RSA 363:38), is specifically authorized by the customer, or is required by law or court order. If Data Administrators request customer authorization to disclose Individual Customer Data, Data Administrators will first describe to the customer the information they intend to release and provide details concerning the recipient of such information.

Data Administrators will hold all Customer Data in strict confidence and except as otherwise needed for provision of the Program, required by law, or permitted as below, (a) not disclose Individual Customer Data to any other person or entity (including but not limited to Suppliers, subcontractors, and affiliates or members of [the Community Power Consultant Good Energy and Standard Power](#)); (b) not process Individual Customer Data outside of the United States; (c) not process Individual Customer Data other than in connection with the Program; (d) not process Individual Customer Data for any marketing purposes other than in connection with the Program; (e) limit reproduction of Individual Customer Data to the extent required for the Program; (f) store Individual Customer Data in a secure fashion at a secure location in the United States that is not accessible to any person or entity not authorized to receive the Individual Customer Data; and (g) otherwise use at least the same degree of care to avoid publication or dissemination of the Individual Customer Data as Data Administrators employ (or would employ) with respect to their own confidential

information that they do not (or would not) desire to have published or disseminated, but in no event less than reasonable care.

4. Disclosure of Individual Customer Data

Notwithstanding the provisions of Section 3 above, the Data Administrators may disclose Individual Customer Data to their representatives who have a legitimate need to know or use such Individual Customer Data for the sole and limited purposes of administering and/or conducting the Program. Such representatives will first be advised of the sensitive and confidential nature of such Individual Customer Data and agree to comply with the provisions of this Data Protection Plan. Pursuant to PUC 200.19, Data Administrators may also provide Individual Customer Data to third parties for the purposes of 1) billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) implementing demand response, customer assistance, energy management or energy efficiency programs. Any such third parties will be required by contract to comply with the provisions of this Data Protection Plan.

In the event that Data Administrators or any of their representatives receive notice that they have, will, or may become compelled, pursuant to applicable law or regulation or legal process, to disclose any Individual Customer Data (whether by receipt of oral questions, interrogatories, requests for information or documents in legal proceedings, subpoenas, civil investigative demands, other similar processes or otherwise), Data Administrators will, except to the extent prohibited by law, immediately notify the LDC(s), orally and in writing, of the pending or threatened compulsion. To the extent lawfully allowable, the LDC(s) will have the right to consult with the Data Administrators and the parties will cooperate, in advance of any disclosure, to undertake any lawfully permissible steps to reduce and/or minimize the extent of Individual Customer Data that must be disclosed. The LDC(s) will also have the right to seek an appropriate protective order or other remedy reducing and/or minimizing the extent of Individual Customer Data that must be disclosed.

Data Administrators and their representatives will disclose only such Individual Customer Data which they are advised by legal counsel that they are legally required to disclose in order to comply with such applicable law or regulation or legal process (as such may be affected by any protective order or other remedy obtained by LDC) and Data Administrators and their representatives will use all reasonable efforts to ensure that all Individual Customer Data that is so disclosed will be accorded confidential treatment.

5. Return/Destruction of Individual Customer Data

Upon the expiration of the Program, or as otherwise required by law or Commission order, the Data Administrators will destroy all copies of any Individual Customer Data

(including any and all extracts, compilations, studies or other documents based upon, derived from or containing Individual Customer Data) within their or their representatives' possession (including destroying Individual Customer Data from all systems, records, archives and backups), and all subsequent use and processing of the Individual Customer Data by the Data Administrators and their representatives will cease.

Notwithstanding the foregoing, the Data Administrators and their representatives will not erase Individual Customer Data contained in an archived computer system backup maintained in accordance with their respective security or disaster recovery procedures. The Data Administrators will not provide access to or recovery of Individual Customer Data from such computer backup system and will keep all such Individual Customer Data confidential in accordance with this Data Protection Plan.

6. Data Security Incidents

The Data Administrators are responsible for any and all security incidents involving Individual Customer Data that is processed as part of the Program. The Data Administrators will notify the LDC(s) in writing immediately (and in any event within twenty-four (24) hours) whenever the Data Administrators reasonably believe that there has been a data security incident involving Individual Customer Data. After providing such notice, the Data Administrators will investigate the incident, and immediately take all necessary steps to eliminate or contain any exposure of Individual Customer Data. The Data Administrators will provide the LDC(s) with reasonable assistance and cooperation in the furtherance of any correction, remediation, or investigation of any such data security incidents and/or the mitigation of any damage, including any notification required by law or that LDC(s) may determine appropriate to send to individuals impacted or potentially impacted by such data security incident(s), and/or the provision of any credit reporting service required by law or that LDC(s) deems appropriate to provide to such individuals.

Unless required by law, the Data Administrators will not notify any individual or any third party other than law enforcement of any potential data security incidents involving Individual Customer Data without first consulting with, and obtaining the permission of, the LDC(s). Within 30 days of identifying or being informed of a data security incident, the Data Administrators will develop and execute a plan, with the cooperation of the LDC(s), which reduces the likelihood of a recurrence of such data security incident(s).

7. Additional Protections

The Data Administrators will comply with all applicable privacy and security laws to which it is subject, including this Data Protection Plan.

The Data Administrators will safely secure and/or encrypt all Individual Customer Data during storage and transmission.

The Data Administrators will have in place appropriate and reasonable processes and systems, including this Data Protection Plan, to protect the security of Individual Customer Data and to prevent a data security incident, including, without limitation, a breach resulting from or arising out of the Data Administrators' internal use, processing, or other transmission of Individual Customer Data, whether between or among their representatives, subsidiaries and affiliates, or any other person or entity acting on behalf of the Data Administrators.

The Data Administrators will work cooperatively with the LDC(s) to implement this Data Protection Plan, including: establishing policies and procedures to provide reasonable and prompt assistance to LDC(s) in responding to any and all requests, complaints, or other communications received from any individual who is or may be the subject of a data security incident involving Customer Data to the extent such request, complaint or other communication relates to the Data Administrators' processing of such individual's Individual Customer Data; and establishing policies and procedures to provide all reasonable and prompt assistance to LDC(s) in responding to any and all requests, complaints, or other communications received from any individual, government, government agency, regulatory authority, or other entity that is or may have an interest in the Individual Customer Data, data theft or other unauthorized release of Individual Customer Data, disclosure of Individual Customer Data, or misuse of Individual Customer Data to the extent such request, complaint or other communication relates to Data Administrators' processing of such individual's Individual Customer Data.

8. Use of Individual Customer Data

The Data Administrators will only use Individual Customer Data for the primary purposes, as defined in RSA 363:37, which may include 1) providing or billing for electric service, 2) meeting electric system, electric grid, or other operational needs, and 3) researching, developing and implementing new rate structures or demand response, customer assistance, energy management or energy efficiency programs.

II. Conclusion

The Data Protection Plan meets all of the requirements of RSA 363:38, RSA 363:37 and PUC 2004.19.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Mari Brunner, Senior Planner
Paul Andrus, Community Development Director

Subject: **Proposed Amendments to the Keene Community Power Program —
Energy & Climate Committee**

Recommendation:

A motion by Dr. Koning for the Energy and Climate Committee to support the changes to the Community Power Program was duly seconded by Ms. Maxfield.

The motion for the Energy and Climate Committee to support the changes to the Community Power Program carried unanimously on a roll call vote.

Attachments:

None

Background:

At their meeting on August 26, 2026, the Energy & Climate Committee (ECC) discussed a potential update to the Keene Community Power Program. The update would allow for customers qualifying for the Electric Assistance Program (EAP) to be automatically enrolled in the lowest-cost option offered through the Keene Community Power Program, called Keene Basic. Included below is an excerpt from the draft minutes of this meeting. At the conclusion of their discussion, the ECC voted unanimously to support the changes to the Community Power Plan.

3. Community Power Update – Implementing Keene Basic Default for Low Income Customers

Ms. Fortson explained that Senior Planner Mari Brunner had been speaking with Good Energy about creating a new lower default option for people receiving assistance from Eversource; they would be automatically enrolled into it. That would require the City to create an updated Community Power Plan, which would have to be approved by City Council. She also thought it had to be approved by the New Hampshire Public Utilities Commission. She said this is something that would cross Committee members' desks in the future. She called the automatic enrollment exciting. She was unsure whether it would be people already on Community Power or only those newly enrolled. Ms. Fortson recalled the Allison McNeill from Good Energy mentioning this during the July 22nd ECC

meeting and said it was happening a little sooner than she expected but it would be great.

Mr. Pipp noted that Keene Community Power has Keene Basic, Keene 10, Keene Standard, and Keene 100 as options. He asked about the base amount of renewable energy included in each option. Discussion ensued.

Ms. Brunner arrived at 4:49 PM.

Ms. Brunner said this would be for anybody who is on the New Hampshire Electric Assistance Program (EAP). The City had already confirmed with Direct Energy that they have the data they need to auto-enroll those customers into the basic option. Moving forward, when there is a sweep or new pricing rollout, those customers would be automatically enrolled in the lowest cost option unless they opt for a different option or want to opt out. For right now, anybody that is already elected to go to Keene 100 would stay on that. If they are currently on Keene 50, they will go down to the Basic. If they had chosen Keene 10, they would stay on Keene 10. Ms. Brunner had posted the plan on KeeneCommunityPower.com. Changes to the plan are on pages five and six under the "Equitable Treatment" section, which would be modified to state that the City would be distinguishing between customers that participate in the EAP and others. Other changes proposed to the plan include, instead of specifying a specific company as the community power consultant, just saying "community power consultants." The other change proposed is under the "Historical Overview" section to include changes in liability. Ms. Brunner hoped for a recommendation from the Committee to the City Council on whether the ECC, as the advisory committee for the Community Power Program, supports this change.

A motion by Dr. Koning for the Energy and Climate Committee to support the changes to the Community Power Program was duly seconded by Ms. Maxfield.

Ms. Maxfield asked if the Keene Basic would include 35% renewable. Ms. Brunner said Keene Basic would remain 25% renewable energy as mandated by the state and Keene 10 would remain the option with 35% renewable energy included.

Discussion ensued about whether the consultant had the necessary data to ensure that any new customer enrolled into the Community Power Program that is also part of the EAP would be automatically put into the Keene Basic option. Ms. Brunner was unsure this could be done retroactively for other EAP customers already part of the Community Power Program.

Ms. Brunner said that the current Community Power contract will be in place through 2027 and then they would negotiate new pricing.

Councilor Lake recalled discussions on the Council floor where there had been a lot of debate about costs, especially related to low-income households. He was trying to balance that against the goal of trying to have 100% renewable energy. He said this change technically fits with the goal of trying to get to 100% renewables, so he was in support of it. He wanted to make sure it would be financially responsible at the same time.

Ms. Maxfield said it would only be 300 people out of 12,000 program participants qualify for the EAP, so the potential impact to the 100% renewable energy goal would be very low.

Chair Leversee said the other big variable there is what the electricity rates are for renewals. So, if

rates go down, then all the goals line up. He said we would have to see as the contracts come forward too. Mr. Pipp wondered through Councilor Lake if there would be the possibility for some sort of fund through Eversource or Southwestern Community Services to get assistance paying for a percentage of renewable energy. He said right now it is nine-tenths of a cent to go from basic to 50% renewable; he said the marginal cost is not that big to bump people up. He did not know if there would be a way to tweak the financial support through other resources and community services to help cover that. Ms. Brunner replied that the concept was discussed when this program was originally being developed and a part of the confusion around the naming of the various options is that initially the Keene 100 option was going to be 100% additional renewable energy, so customers who chose that option would actually be choosing to purchase more RECs (renewable energy credits) than needed to cover their energy usage, so that it would offset the customers who cannot afford that. She said that is something they could look at again in the future. She said she would be hesitant to try and change any of those fuel assistance programs because they are so heavily regulated already that adding any other variables into the mix could make it unfeasible to work.

The motion for the Energy and Climate Committee to support the changes to the Community Power Program carried unanimously on a roll call vote.

Ms. Fortson confirmed that Ms. Brunner did not need a letter from the Chair for City Council. Ms. Brunner said she would just need a report from the ECC which she would create from the discussion in the minutes. This would go to City Council on September 17, 2026 and to the Council's Finance, Organization and Personnel (FOP) Committee after that. Members of the Committee were encouraged to come and speak to this item at the FOP Committee meeting on the fourth Thursday of September. Ms. Fortson said she would send out the red-lined version of the Community Power Program's proposed changes via email."



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: September 17, 2026

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Williams – Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products**

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams' Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products on More Time.

Attachments:

None

Background:

Chair Filiault requested opening comments from the petitioner, Councilor Bobby Williams. Councilor Williams noted this was about a letter he wrote to the Council in July 2026, specifically concerned about a product called 7-Hydroxymitragynine (7-OH) and a number of related products that are quite similar, such as a Kratom product that he knew the Committee would hear a presentation about this evening. Councilor Williams said this is a very similar product to an opioid, and it is being sold over the counter in gas stations and convenience stores all over the City, which has not changed since the July meeting. He knew there had been some developments at the federal level since July but said that effort seemed to be moving a little slower than he thought it might.

Chair Filiault noted that he had spoken with the City Attorney about this because it would involve legalities, so he asked the City Attorney to address what could be done about this at the City Council level, so they would not find themselves in a legal quagmire. City Attorney Amanda Palmeira spoke about the concept of preemption. As Councilor Williams mentioned, there is federal regulation in the works at this time. The most recent update from Deputy City Attorney Brandon Latham was that the Drug Enforcement Administration (DEA), the week before this meeting, added three 7-OH products to the Schedule I Federal Controlled Substances. So, three products are already federally prohibited. City Attorney Palmeira said there would always be some weird ambiguity between what is preempted federally under the Controlled Substances Act and what the City can regulate: marijuana is a good example of how states have handled that differently. She said that for the City to determine exactly what the federal government has regulated and where there are gaps that we could regulate, it takes a lot of research. She noted that other towns in New Hampshire had started regulating this product

and as far as she knew, there had not been any activity by the federal or state governments to invalidate those. She said it is one of those situations that does appear as though the City could give it a good shot. It is not something she would always say: "It looks like it is preempted, go for it." Yet, given that other towns were doing it and the feds were moving on it very slowly in small portions, she said there would probably be some room to more broadly address it locally. So, Chair Filiault said the City would not be creating precedents; this has already been tried in other areas and upheld to this point. City Attorney Palmeira said she did not know that they had necessarily been challenged yet, so those in other areas were still on the books.

Councilor Haas asked the City Attorney if she had information on how enforcement was going in other New Hampshire towns: were they enforcing it or just considering it a guideline? The City Attorney did not have information on that. She also did not know given the DEA was adding the three 7-OH substances to Schedule I to be federally prohibited throughout the country.

City Manager Elizabeth Ferland recalled when the City of Franklin put a similar ordinance in place for "Spice." They ultimately had to change that ordinance several times as the formula for that drug changed. Their prevention coalition worked with all the local stores. Once the ordinance was adopted, the organization provided preventative information to the stores, letting them know it is no longer something they can sell. She thought it was pretty effective once those ordinances were adopted and most places complied.

Chair Filiault recognized Dr. John Curtis, who indicated he is an Emergency Room Doctor with a background in emergency medicine and medical toxicology. Dr. Curtis noted that he knew a little bit about this topic, but it had not been a great focus of his own work.

Dr. Curtis explained Kratom. *Mitragyna speciosa* is a Southeast Asian tree, which can get to be about 70 to 80 feet tall at full maturity. It has been used for several centuries. The raw leaf or tea products are often chewed to give energy and relieve pain for workers. It is also used recreationally. "Kratom" refers to the tree or any products derived from the leaves of that tree.

Dr. Curtis talked about Kratom pharmacology. The active components are chemicals called alkaloids. The most studied and prominent one in the leaf is "Mitragynine." 7-OH Mitragynine is naturally occurring. It is probably well under 2% of the naturally occurring alkaloids in the leaf, although that changes during the life cycle. The more mature the plant is, the more 7-OH there is in it, but it is still generally a small percentage of the naturally occurring alkaloids in the leaf. 7-OH is also produced in the body as a metabolite of the primary alkaloid, which is the Mitragynine. 7-OH is an agonist at the opioid receptors. It is probably more of a partial agonist similar to buprenorphine or Suboxone. So, it does activate those receptors and produces opioid-like effects. However, it is not the only active compound in the naturally occurring leaf.

Next, Dr. Curtis described Kratom effects. There are multiple neurologic systems that seem to be affected by this mixture of alkaloids. It works on serotonin syndrome, similar to LSD and antidepressants. It is active in noradrenergic receptors; that is the kind of thing responsible for your fight or flight response and that is also responsible for the mild stimulant effects that this can have, as well as the opioid effects. Dr. Curtis stated conventional wisdom is that low doses are more apt to produce mild stimulant effects and energy concentration, allowing one to maybe work longer or harder, or focus a little bit more. Whereas the higher doses tend to be the ones that cause relaxation, sedation, promote sleep, and offer some pain relief. He said it is seen used sometimes for pain relief and sometimes for its psychoactive effects. There is also a population that tends to use it to ease

opioid withdrawal effects because of the at least partial activation of opioid receptors. He stated that a lot of the early interest in this substance in this country was with people trying to wean themselves off opioids and ease those withdrawal effects.

Dr. Curtis explained that Kratom is available in a variety of formulations. You can eat the raw plant matter by chewing the leaves; they are often dried and powdered, and in some cases fermented and placed in capsules. It is available as a ground leaf to make tea and a ground leaf in capsules to ingest without having to taste it, since most of these alkaloids are somewhat bitter. It is offered in a powder that is designed to be mixed into food or beverages. There are also extracts either in alcohol as a solvent that are sometimes used to absorb from the mucosal tissues in the mouth and placed under the tongue for rapid effects.

Dr. Curtis also discussed concentrates and synthetics: There are also synthetic forms of this chemically produced 7-OH. There are a variety of these on the market and that is what has caused most of the controversy. Whereas the natural leaf will contain a small amount of this substance and the body will change some of the alkaloids into 7-OH, that is a fairly slow process, so it is hard to get a lot of opioid stimulation at once and the effects typically last five to eight hours after ingestion. He said the 7-OH opioid agonist is very gradually produced, so you do not really see with natural products a lot of the consequences that are sometimes seen with opioids in terms of respiratory suppression. Although in a lab setting, 7-OH has produced respiratory depression that can be reversed by opioid antagonists like Narcan.

Dr. Curtis talked about the legalities of Kratom. He reiterated news about rescheduling some of these substances the week prior. He said in general, until very recently, there was no federal regulation on this. Various states have different regulations, some of which involve just concentrates and 7-OH products, some of which involve everything, and some of which are just age restrictions. He showed a map of the United States as of July 2026, which showed where 7-OH products were banned, illegal but leaf products are legal, and the Kratom Consumer Protection Act legal area. There are various regulations that vary state to state and even within states. When talking about local ordinances that change what can be sold, he said this is not common, but it is not rare either. A national survey in 2021 for teens and adults showed less than 1% or 1.5 million or more people who reported using kratom in the last year. He called that a fair number of people and was sure those numbers had only increased in the past five years.

Dr. Curtis discussed the potential harm of 7-OH/Kratom. Like for many herbal products, regulation and testing is not mandatory, although good producers will often have third party labs certified. However, there have been cases of heavy metal contamination that is often reported by suppliers. There has been bacterial contamination of products, so that is a common concern with many supplements and herbal products. But in terms of the Kratom itself, he cited nausea and GI side effects as the most common and noted that both diarrhea and constipation have been reported. Dizziness or drowsiness occur, particularly at high doses. Occasionally also, again with high doses, more serious things such as seizures have been reported, as well as confusion, high blood pressure, and low heart rate. There have been liver problems reported with Kratom use; it is not clear exactly who develops that but it is generally associated with high dose, long term use; it is not a universal effect, so it probably has something to do with the person taking it as well. He talked about lifestyle factors, noting that co-ingestance effects in pregnancy have not been studied and are not well known. In some cases, neonatal abstinence syndrome, similar to babies born to mothers who are opioid addicted, have been reported, but that has been rare, probably because it is both less common than opioid use and under recognized. Kratom is not detected on routine drug screens. It

would be possible, but it is not something that is routinely screened for. So, Dr. Curtis said that if someone does not tell you, there is not much way that you would know, even though mothers are routinely drug tested for the safety of the children.

Dr. Curtis stated that Kratom is a lot less dangerous than a lot of other things that are on our streets. One report from about seven years ago said that over a period of about six years, 11 deaths were associated with it, but almost all of them were mixed exposures where it was used with other things. According to this article, it said two deaths were associated with Kratom exposure alone, although the underlying medical conditions of the user were not entirely clear. So, Dr. Curtis said that death from Kratom, while possible, seems to be extraordinarily rare.

Chair Filiault said this was actually brought to his attention about one year prior and he commended Councilor Williams for bringing this forward. Chair Filiault said it was a Police Officer who kind of raised his alarm on this because he had been to a couple of calls on Kratom and said it created a violent atmosphere with people they encountered. He asked whether Dr. Curtis had seen that in the ER or if it is more prominent on the streets. Dr. Curtis said he had surprisingly not seen a lot of it compared to when K2 and Spice were common. He had not seen a lot of Kratom in the ER; he had seen people who say they use it, but no actual medical encounters driven by that use. He noted there is some sort of degree of Kratom users because there are three widely available types called white, green, and red; referring to the little veins in the stems on the leaves. On very immature plants, the 7-OH in those veins and the leaves are white and they tend to have more stimulant effects and seem to be more dose-dependent. Whereas green is kind of a mixture. The mature leaves have these red veins in them, and they have the highest concentration of 7-OH; they are generally thought to be more relaxing, sedating. He reiterated that the white Kratom, which also varies depending on region of origin and methods of processing, tends to cause more powerful stimulant effects that might be more prone to being associated with agitation or violence. Dr. Curtis' understanding is that the red vein substances are most used by those trying to get opioid-like sedative effects, but he said it was not something he had commonly encountered in his emergency department.

Councilor Ruttle-Miller said she understood there is a difference between medical literature versus general news reporting and that those things can sound incredibly different. However, she said there seemed to be a big polarity between what Dr. Curtis was presenting as far as a concern and danger versus what you see when you look this up. She said it does seem like there has been a dramatic increase in the number of deaths or very dangerous situations. Specifically, an article in the NIH around poison control reports. She asked Dr. Curtis if there was more recent data or anything specific to New Hampshire in general that he could share. Dr. Curtis said no, he did not have anything specific to New Hampshire and the survey he looked at was about six years old. He said there had probably been much more usage recently. He thought the problems probably come from either the synthetic or concentrated 7-OH products, particularly if mixed with other sedatives such as alcohol or other opioids: that is also where we see more reports of addiction and withdrawal. He provided an analogy to demonstrate that taking active compounds and concentrating them will cause more dramatic psychoactive and health effects.

Vice Chair Jones said he is a little naive about this but knew these products were readily available in convenience stores. Dr. Curtis said it is not hard to come by, showing a picture from a store in Keene the other day. It is like getting a pack of cigarettes or beer; you would probably have to prove your age. Vice Chair Jones said the packaging and labeling is called Kratom or 7-OH, or is it just branding? Dr. Curtis said most 7-OH is sold as 7-OH or Hydroxy, but it will usually specify Kratom on it depending on the producer. You can also order and have Kratom shipped to you but some of the

more reputable producers will have analysis of the alkaloids, results of heavy metal testing, and results of bacterial testing. He said most of it is labeled Kratom because that is how people who are looking for it know to buy it.

Councilor Haas asked Dr. Curtis to speak about the addictive properties of Kratom and compare it to other opioids. Dr. Curtis again said it was not something he had seen clinically, but from reviewing internet reports and overall kind of experience with it, even the leaf product can cause some physical dependence with long enough use. The 7-OH products being more powerful at opioid receptors and getting that effect do have very similar withdrawal; some people have stated that withdrawal can last for weeks to months and can be difficult to wean off. He said it may be a lot harder to distance yourself from a product that might be at the gas station where you are getting your coffee as opposed to having to go seek it out from a dealer. So, Dr. Curtis stated that it does have potential to cause addiction, even though it is often used to ease withdrawal symptoms when someone no longer has access to opioids.

Councilor Williams first wanted to speak to those three substances that were added to Schedule I. It was his understanding that those were not 7-OH, but chemicals closely related to 7-OH and perhaps not in wide circulation. He thought the 7-OH question was still out there. City Attorney Palmeira believed that was right. She noted that it was a struggle not only to read and pronounce, but to match what was being regulated and what was been identified in other places. She said there were a lot of skills there that she did not have the education for, but she did think the three that were on the Schedule I had been synthetic products of 7-OH. The City Attorney added that it is a temporary order: it is two years on Schedule I, with a one-year extension possible.

Councilor Williams asked about patterns of usage: on the internet he saw people talking about spending \$50–\$100 per day and buying several at the store per time. He wondered whether that was common. Dr. Curtis thought it was very common to spend that much on it, noting that there is a tolerance that develops; some people will rotate types to avoid over tolerance. He said there is also patterns of usage. People may use the more stimulating products during the day to be more functional and use the more sedating products at night (e.g., to relax or as a sleep aid). Anything with addiction comes with people spending a lot of money. He explained the general internet subculture advice to rotate strains and take a few days off per week to avoid tolerance much like opioids, or it will require a larger dose to produce the desired effects and that necessarily involves spending more money. It was not Dr. Curtis' impression that a lot of people were "going broke" from this but said there were certainly cases where that happens.

Councilor Ruttle-Miller heard the doctor mention something about proving age and asked if there is an age associated with buying this (i.e., could a 15-year-old access it?). Dr. Curtis said in general it is 18 years of age and over. Councilor Ruttle-Miller said there was no law. She asked if it depends on the store. Dr. Curtis thought it first would depend on the state: it is age restricted in many states, and he believed the age is usually 18 and not 21. He deferred to the City Attorney. There being no law on the books, Chair Filiault questioned how there could be any age restrictions. The City Attorney agreed, having not seen the restriction, she said there was not one. The federal restriction does not concern age. She speculated that the local shops have age restrictions on other things they sell, so they probably do it for this too, but she had not seen the restriction in the law. Dr. Curtis said it is often sold in smoke/vape shops, where other products are age restricted. Chair Filiault said he had personally gone around Keene and there are several convenience-type stores that have it on the market, so it is not just restricted to vape stores.

Councilor Haas noted that he had seen no national publications or education going on about this. He wondered if there should be some more movement toward educating the population/public about the dangers of this natural drug and synthetic drug before the Council tries legislating it. He said this would be worth the City's effort and time since there had been no real widespread education. That came across the Councilor's eyes with the young people in his life.

Councilor Williams asked Dr. Curtis if he was aware of the Kratom and Kava combination. Dr. Curtis said he had heard the name. He added that both drugs are used for sedating effects, and both have been associated with some reports of liver injury.

Chair Filiault opened the floor to public comments.

At Large City Councilor Michele Chalice thanked the Committee and the Council for their time looking at this issue preemptively. She said it seems a shame to wait until there is severe community damage. She said things are moving so quickly in our society in addition to all those stressors. So, she really appreciated taking the time to deliberate and give some thought to this issue.

Chair Filiault agreed with Councilors Williams and Haas, which put him somewhere in the middle. He thought he had more questions than answers that came up during the meeting. He was leaning toward an ordinance. However, at the same time, he wanted to personally give himself a few more weeks to do some more digging. He did not think he was quite ready for an ordinance yet, but he was leaning there. Personally, he wanted to place this matter on More Time and bring it back in a couple of weeks to take another hard look at it. He told Councilor Williams that he was not suggesting by any stretch of the imagination to dismiss this item. He thought the Committee was leaning in the same direction and asked to hear from them. He did not think they were ready to make a unanimous decision this evening.

Councilor Ruttle-Miller was a little thrown off by the presentation because she spoke recently to somebody who works in a rehab facility and who said that they do not see a single person come through at this point who does not have some sort of usage (on top of anything else that they are also being treated for). She said it is viewed as a definite problem within their facility. So, Councilor Ruttle-Miller was expecting a little more based on that. She said there were no statistics, no study, and nothing behind the presentation other than somebody who works with folks who use these products regularly. She was not quite sure what she was anticipating for a presentation, but she came in thinking she knew what the Committee was going to hear. She tended to lean toward something, especially because there is no age regulation; that was what concerned her, like when kids started vaping a lot. Councilor Ruttle-Miller said she is always confused when she sees this weird herbal supplement and wonders what it is. She noted that she was a little more confused right now than she thought she would be. Chair Filiault agreed.

Chair Filiault added that in the coming weeks he would like to go back to the Police Officers he had spoken with to hear from them more about what they have seen on the streets; Chair Filiault wants to dig a little deeper. He agreed with Councilor Ruttle-Miller that he came into the meeting thinking one way and now was a little bit more in the middle, leaning toward restriction, but he wanted to hear from more experts, including the Police Department.

Councilor Haas agreed: more information is always good. As the City Manager mentioned, this would lead toward an education program. He was curious whether there were already education programs like that out there, which the City might adapt and start to roll out so people could get behind the City.

Councilor Haas said that addictive personalities tend to use whatever they can pile on, stating that he was generalizing, of course. He compared it to the health food industry. He said that if the City is going to regulate Kratom specifically, he thought they would want to have more of the public's understanding of the problem and education around it. Councilor Haas leaned toward holding the item for a bit to see what the Committee could come up with.

The City Manager noted that there is also the Monadnock Youth Coalition, which is like the prevention group that was in Franklin, New Hampshire. It was under the same federal grant, and the City Manager said she would love to hear from them and what they had seen. In addition to that, she mentioned Keene Youth Services, which works with a lot of youth who are sometimes getting into trouble with the Police and finding ways to divert them from that type of activity. The City Manager was sure both of those groups would be able to provide a great deal of information about what they are seeing in the use of Kratom and these types of products.

Chair Filiault hoped Councilor Williams knew and could appreciate that nobody likes waiting when they want to see something go forward. Still, Chair Filiault agreed with the City Manager and did not want to send something to the full Council that could be kicked back to the Committee for more answers. Chair Filiault wanted to place this on More Time until the next PLD meeting so the Committee could get it right before sending it to Council.

Councilor Williams did not mind taking the time to get it right. He thinks people know he is not necessarily a prohibitionist. He thinks the Council should be calculating and smart about these things. His general feeling is that it is a very bad idea to put seriously addictive substances in easy reach of just about anybody, including the youth. He noted the federal government may be doing something or not, so the City should be keeping an eye on that. Councilor Williams agreed that waiting a few weeks for this to be continued would not be such a bad thing.

Vice Chair Jones also liked the idea of More Time. He said he favored legislation but did not think the Committee could ask staff to draft an ordinance without giving them some direction. He thought that the suggestions to hear from the Police and other experts would provide that direction. He said the Committee did not even know if they wanted to put an age limit on the substance, so he said they needed More Time, with the aim to give more direction. As far as educational awareness is concerned, Vice Chair Jones said sometimes legislation creates awareness. He hoped some of that could happen by creating legislation.

The following motion by Councilor Williams was duly seconded by Councilor Haas.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams' Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products on More Time.

Councilor Haas asked if there was a means of requesting that the youth committees join the next meeting's conversation. The City Manager said yes, she had already sent a message asking for that information and for someone to be present at the next meeting.



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Amendments to Article VII. - Food Service Establishments
Ordinance O-2026-14

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-14.

Attachments:

1. O-2026-14_Food Service_Referral

Background:

Chair Filiault welcomed Compliance Inspector Ryan Lawliss (who also does Food Inspections) and Fire Marshal, Rick Wood. Mr. Lawliss said that before the Committee this evening was a proposal to remove and replace Chapter 46, Article 7, which would update the Keene Food Code from the 2009 FDA Food Code to the 2022 FDA Food Code. The Food and Drug Administration (FDA) updates the Food Code periodically to reflect current food safety, science, and practices. So, this will bring the City in line with the balance of the rest of the state and most of the nation. No other jurisdiction in New Hampshire is currently operating under a version older than 2017. Mr. Lawliss made the Committee aware that the City had been notifying its food establishments over the last year that this would be coming and talking to them about what that may entail, as well as how City staff will be working with them once it is in passed to bring them into compliance. It will be a work in progress with them and not something that happens right away. Chair Filiault said this is basically just staying in compliance with state statute/code. Mr. Lawliss said no, Keene has authority as a self-inspecting municipality and adopts its own Ordinance along with 14 other municipalities. Keene would be the last one to do this update. Keene is just trying to be more in line with the rest of the state, so that as businesses and people are in town, they can understand that we are following the most current up-to-date sciences.

Councilor Haas thanked Mr. Lawliss for putting this forward and getting the City up to date on codes. Councilor Haas is always worried about the impact and what the issues will be with our existing food purveyors and restaurant/food establishments. He asked Mr. Lawliss to comment on what he had heard from them as far as what they would need to change or how this would impact them. Mr.

Lawliss said the food Code was from 2009, and this went into effect in 2017; this would also be seen in 2022 as well. It is called a Certified Food Protection Manager Requirement, which requires somebody to have training on certification as being able to handle food safely and to oversee the staff. This puts a responsibility for food safety on the management level, which helps to, rather than relying solely on inspectors, and inspectors being there all the time to make sure that the consistency of health and safety is contained throughout. While this is one of the largest changes, Mr. Lawliss said it would shock him to understand that a lot of even some of the smaller, locally owned establishments have somebody who has undergone this training.

Councilor Haas said it is basically like an upgrade from ServSafe. Mr. Lawliss said ServSafe is basically the norm. In having owned food service establishments in the past, Chair Filiault said it was always upgraded year to year in most levels, so he did not think this was “inventing the new light bulb here.” Mr. Lawliss agreed that almost all the larger chains require all their supervisors and managers to do this, and a lot of the local restaurants too, like Sole Bar, where the owner is a trainer for ServSafe, so she offers training to staff throughout in different restaurants. Mr. Lawliss said this is nothing new, the City is just codifying the requirement.

Councilor Haas said this requires some certified training to be acquired. He asked where this training would come from: does the City need to hire a professional agency to train and certify them? Mr. Lawliss said yes, ServSafe is one of the most common examples that is done online. The one the City is looking into is making sure they are certified. He said a lot of people with 20 years of experience could probably go take that test tomorrow and pass it without any issues. It is online and not overly burdensome. Councilor Haas asked if there is a cost associated with the training and certification. Mr. Lawliss thought it was a couple of hundred dollars. Councilor Haas asked how many years the certification is good for, and Mr. Lawliss said five years. Councilor Haas asked if any Keene food establishments already have this on their own. Mr. Lawliss said yes, most do; certainly, the chain restaurants or establishments that are franchises and other local places like Sole and Grenada. The City would work with the smaller establishments case-by-case to connect them with the resources and get them on track. Councilor Haas noted the City has a lot of smaller establishments in the downtown, so he would be looking to hear information back from the food purveyors.

Fire Marshal Rick Wood pointed out that the enactment of this is planned for after the City’s current food license renewal. So, the goal is to get this enacted post-September 30, 2026, because that is when the City’s food licenses are renewed. That means that everybody is going to have one year before any of the changes really hit from that training perspective because they are already licensed. So, there is that one-year working period as well as the fact that some of the fee adjustments are going to be one year out. Fire Marshal Wood thought that was helpful to understand the context of implementation.

Councilor Haas was a little disappointed that there was no representation from our food industry here to speak as to how well they can take this on or adapt it / comply with it. He asked what kind of communications have gone out to them about this happening. Mr. Lawliss said a lot of the new restaurants that came to town from Manchester or out-of-state on Main Street in the past year were shocked to learn that they did not have to provide certification. He said it is common practice to have to provide that information. He said when vendors for festivals come from out-of-state, they send him certifications out of habit. So, Mr. Lawliss thought this would bring the City more in line with what is a custom for many. He was sure there were a few they would have to work with more and staff would work with those establishments as they do all the time.

Fire Marshal Wood asked if this affects all classes of food licenses. Mr. Lawliss said there are some exceptions. It is based on risk. For example, a convenience store that has all prepackaged food and items would not be required to have this type of certification.

Chair Filiault knew there were two variations: ServSafe Food and ServSafe Alcohol. He asked whether ServSafe Alcohol would be included in this. Mr. Lawliss said this is ServSafe Manager Training.

Councilor Ruttle-Miller said she had experience in the restaurant industry, having spent several years serving and bartending, and as a consumer. She said she has no qualms with requiring additional safety certifications because she had worked in both places that do follow ServSafe and places that do not. She said she had experienced a variety of people willing to follow those rules regardless, and consumers always just have to kind of make choices for themselves where to go. Councilor Ruttle-Miller said that it is not like multiple weeks of training and multiple thousands of dollars of investments. She did understand for smaller establishments that these are higher hoops to jump through. However, she thinks that making sure your staff is certified and knows how to properly handle food in a safe manner is an important component in owning an establishment. Fire Marshal Wood noted that not all staff have to be certified. There must be one person who is a Certified Food Safety Manager when the business is open, which he called an important delineation. Chair Filiault said hopefully everybody is trained by that manager.

Councilor Haas said he was troubled that this was all new to him due to his own ignorance of the topic. So, he thanked the presenters for the update. However, without hearing the acceptance of this from the food service community, Councilor Haas said he was troubled with it. He said it appeared like another change that the City is just putting out that the stakeholders have not had a chance to react to. He could imagine hearing from them later about having to do a \$200 training session when their margins are so thin; they may feel like the City is pressing them again. So, Councilor Haas said he was uncomfortable with this on that basis. He said it would have been great if staff had brought several restaurant owners to the meeting to speak about how great it is and how happy they are with it making their businesses better because they can put the decal in their front window. Chair Filiault said he would be interested in that feedback also and to hear someone say why they are not ServSafe. Fire Marshal Wood said another thing to realize was that staff had been talking about this with those restaurants for about one year as they had been working through this process; this is not something that had just started within the past few months. Staff had been having those conversations and checking to see who has credentials. Most places have Time Temperature Controlled Foods (TCS), so they have somebody already. Fire Marshal Wood said there are very few in that category who do not have somebody. Chair Filiault added that they would not have to do this by September 30, 2026, they would need to get their licenses by September 30 and then have one year to comply.

City Manager Elizabeth Ferland added that it was important to remember that by adopting this, the City would still be behind. This is based off the 2022 FDA model food Code, which updates every five years. The City Manager said she thought this update is very much needed; it might have been needed a few years ago. It took the City a long time to get here and she did not think it would be a big lift for most organizations.

Chair Filiault opened the floor to public comments.

Councilor Laura Tobin (of Center Street) said she had worked at a food establishment and ate at

plenty in Keene. She has had food poisoning multiple times from restaurants outside of Keene. Councilor Tobin said she would feel very uncomfortable if the City did not make food as safe as possible for people to consume. She understood that there may be effort on behalf of some of the food establishments. However, to Councilor Tobin, this is just protecting the people who live here.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-14.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to an Amendment to Article VII. - Food Service Establishments

Be it ordained by the City Council of the City of Keene, as follows:

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting in its entirety Article VII. "Food Service Establishments" and inserting in its place a new Article VII.; and, by updating Appendix B. "Fee Schedule" as follows:

ARTICLE VII. - FOOD SERVICE ESTABLISHMENTS^[6]

State Law reference— Food service licensure, RSA 143-A:1 et seq.

DIVISION 1. - GENERALLY

Sec. 46-361. - Definitions.

See He-P2301.01 for definitions.

Sec. 46-362. - Adoption of FDA Food Code and New Hampshire Rules for the Sanitary Production and Distribution of Food; amendments.

- (a) The City of Keene hereby adopts by reference the 2022 FDA Food Code and New Hampshire Rules for the Sanitary Production and Distribution of Food, He-P 2300, and any subsequent amendments thereto, so as to regulate food service establishments operating within its jurisdiction as of October 1, 2026. Where there is a conflict between this chapter and the 2022 FDA Food Code and He-P 2300, this chapter shall govern.
- (b) Notwithstanding, the following sections of He-P 2300 shall not be adopted into the Code of the City of Keene: He-P 2303.01, He-P 2304.01 through He-P 2304.05, Sections: He-P 2301.01(n)(o), He-P 2302.01, He-P 2304.12(e), He-P 2304.14(a), He-P 2306.02(a)(19), and He-P 2306.02(c)(1).
- (c) References in He-P 2306.06(a) regarding emergency telephone numbers shall be replaced with "notify the Community Development Department at 603-352-5440, or if at night or during the weekends, at 603-357-9815 or email Health@KeeneNH.gov." Reference in He-P 2304.14(a) shall be replaced with:

Community Development Department
City of Keene
Attn: Food Licensing
3 Washington St
Keene, NH 03431

- (d) Section He-P 2301.01(r) shall be amended to be: "Food Code" means the US Department of Health and Human Services, Public Health Services, Food and Drug Administration, Food Code, 2022 edition.
- (e) Section He-P 2301.01(ba) shall be amended to be: "Soup Kitchen" means a non-profit organization that prepares and distributes food to members of the public without charge
- (f) References in He-P 2311.01 to "Class H" food service license shall be replaced and inserted "Class 6 Food Service License."
- (g) Reference to He-P 2304.01 through He-P 2304.05 in any section of He-P 2300 shall refer to Sec 46-363 of this Article.
- (h) Wherever there is a reference to "Commissioner" in He-P 2300, it is replaced with "Health Official of Keene or designee."
- (i) Wherever there is a reference to "Department" in He-P 2300, it is replaced with "Community Development Department."
- (j) Wherever there are references to "RSA 541-A and He-C 200," they shall be replaced with the City of Keene Code.
- (k) Wherever there is a reference to the New Hampshire Department of Health and Human Services in He-P 2300, it is replaced and inserted is City of Keene.
- (l) All fines and fees shall be made payable to the City of Keene. All applications, correspondence and fines shall be sent to:

Community Development Department

City of Keene

Attn: Food Licensing

3 Washington St

Keene, NH 03431

Sec. 46-363 - License Procedure

It shall be unlawful for any person or entity to operate a food service establishment within the City who does not possess a valid license issued to them by the Health Official or their designee. Only a person or entity who complies with the requirements of this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person or place to another person or place. A valid license shall be conspicuously posted in every food service establishment.

(a) Issuance of licenses and fees.

- (1) Any person desiring to operate a food service establishment shall make written application for a license on forms provided by the Health Official. Upon receipt of such an application and the designated license fee, and after inspection reveals that the requirements of this chapter have been met, a license shall be issued to the applicant by the Health Official. All annual licenses expire on September 30th. The fees shall be payable to the City of Keene and shall be designated as follows
- (2) Processing of Initial Applications and Issuance of Licenses
 - a. Each applicant for a license shall complete and submit to the department an application form.
 - b. In addition to submitting the completed application, in (a) above, an applicant shall also submit the following:

1. Check, money order, or on-line payment by credit card;
2. Water system documentation, in accordance with He-P 2304.06, except that food establishments applying to be licensed as a farm store, home delivery services, pushcart and other mobile units, retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items, institutions including state, county, and municipal institutions, schools, private schools, and schools whose food service is operated by a caterer, and sellers of pre-packaged frozen meat or poultry that is processed in a United States Department of Agriculture (USDA) plant shall not be required to submit such documentation;
3. Wastewater system documentation, in accordance with He-P 2304.07, except, that food establishments applying to be licensed as a mobile food unit, farm store, home delivery services, pushcart and other mobile units, retail markets selling only non- Time/Temperature Control for Safety (TCS) prepackaged items, institutions including state, county, and municipal institutions, schools, private schools, and schools whose food service is operated by a caterer, non-exempt homestead food operations, senior meal sites, retail food stores with no food preparation areas, and sellers of pre-packaged frozen meat or poultry that is processed in a United States Department of Agriculture (USDA) plant shall not be required to submit such documentation;
4. If the application is for a mobile food unit that uses a service area, one of the following:
 - a. A separate license application for the facility to be used as a servicing area; or
 - b. A copy of the food establishment license, from the appropriate regulatory authority, of the facility being used as a servicing area.
5. A hazard analysis and critical control point (HACCP) plan required by He-P 2304.13; and
6. A proposed menu or list of food and beverages is to be offered.
- c. Applicants seeking a change in license class, a new license, or a new license due to a change of ownership, shall contact the department to arrange for an inspection of the establishment no later than 30 days from the date of mailing or delivering the fee and application.

(3) License Expirations and Procedures for Renewals

- a. Each licensee shall apply to renew his or her license at least 30 days prior to the expiration of the current license.
- b. The licensee shall submit a renewal application that includes the following:
 1. Completed Application, and
 2. A check, money order, or on-line payment by credit card.
- c. A license shall be renewed if the department determines that the licensee:
 1. Submitted an application containing all the items required by (b) above, as applicable, at least 30 days prior to the expiration of the current license;
 2. Submitted a Corrective Action Plan (CAP) that has been accepted by the department and implemented by the licensee if deficiencies were cited at the last licensing inspection;

3. Is found to be in compliance with He-P 2300 and all applicable regulations at a renewal inspection, as applicable; and
 4. Has paid any outstanding fees or fines in full.
- d. If a license holder fails to submit a complete application for renewal as required under (a) and (b) above, the food establishment shall cease operation the day after the license expires and shall not operate until a license is obtained.
 - e. Any food establishment wishing to submit an application for a renewal license whose previous license has been expired in excess of 30 days shall apply in accordance with the requirements of an initial license in Sec 46-363(A)(2).

(b) Classification of Food Service Establishments/License Fees

- (1) Class 1A: Food Service Establishment with 200 seats or more; retail food store with 4 or more food prep areas
- (2) Class 1: Food Service Establishment with seating capacity 100-199 seats; food service establishment with extensive menus; serve raw ingredients (sushi, oysters, etc.), salad bar and/or food buffet; retail stores with 2 to 3 food preparation areas; nursing homes; hospitals; commercial food processing operations processing more than 100,000 packages of food per year
- (3) Class 2: Food Service Establishment with 25-99 seats; retail food store with one food prep area; bakeries; food distributors of Time/Temperature Control for Safety (TCS) foods; beverage manufacturers; commissaries; caterer; mobile food unit selling/serving Time/Temperature Control for Safety (TCS); commercial food processing operations processing less than 100,000 packages of food per year
- (4) Class 3: Food Service Establishment with 0-24 seats; retail food store-self services and no food prep area; commercial food processing operations of non-Time/Temperature Control for Safety (TCS) bulk foods; bakeries which do not serve Time/Temperature Control for Safety (TCS) food; non- Time/Temperature Control for Safety (TCS) mobile food units; retail markets selling only prepackaged items; bed and breakfast; private clubs; mobile vendors, childcare facilities serving Time/Temperature Control for Safety (TCS); farmers market vendor selling/serving Time/Temperature Control for Safety (TCS) food; Wholesalers/distributors Time/Temperature Control for Safety (TCS) food
- (5) Class 4: Temporary licenses see Sec. 46-363(e).
- (6) Class 5: Public schools; private and parochial schools; not for profit organizations not holding a liquor license; governmental facilities that operate more than 4 times in a 28-day period
- (7) Class 6: Sellers of prepackaged frozen USDA meat or poultry; retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items; non-exempt homestead kitchens; arena/theater concessions selling/serving non- Time/Temperature Control for Safety (TCS) food

License Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

The Health Official or designee has final determination of all classifications of food service establishments. When a food service establishment has an additional food processing business, each shall be licensed separately, requiring separate applications and separate fees. When a hospital or school offers food to the general public in addition to its population, then the license class shall be determined by the number of seats the food service establishment has.

(c) Late Fine

- (1) License Renewal Applications received after the 10th day of the month following license date of expiration – Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

(d) Mobile food units and mobile vendors

- (1) Any person desiring to operate a mobile food unit shall meet all applicable City of Keene land use regulations. The applicant shall also meet all Building, Health, Fire Codes as adopted by the City of Keene and the State of New Hampshire.
- (2) For mobile vendors selling exclusively prepackaged goods, please cross-reference Hawkers, Peddlers.

(e) Temporary license.

- (1) A temporary license means a food-service establishment which operates at a fixed location for a temporary period of time, not exceeding three (3) consecutive days, whether or not there is a charge for food.
- (2) Authorization of the site location is necessary prior to conducting business in the city.
- (3) A temporary food service application shall be submitted to the Health Official at least seven (7) days before the day of the event. If licensed by another agency, state, or municipality, you must provide a copy of the operator's current food-service license and most recent food inspection report.
- (4) Licenses shall be displayed in public view.
- (5) The operator is subject to inspection at any time.
- (6) Food preparation and handling practices for food establishments are to be in compliance with this Chapter. Including but not limited to following the Temp Event Guide Food Safety and Temp Event Checklist.
- (7) Temporary Food Service License Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-364 - Notice of alleged violation.

- (a) Whenever the Health Official or their designee , based upon an on-site inspection, determines that there are reasonable grounds to believe that violations of this chapter or the regulations adopted have occurred, notice of such alleged violations shall be given to the owner or their agent. Such notice shall:
 - (1) Be in writing;
 - (2) Include statements enumerating alleged violations and identifying the basis of the violation;
 - (3) Where appropriate, indicate corrective actions to be taken;
 - (4) Allow a reasonable time for the performance of any act require;
 - a. In the case of a temporary food service establishment, the violations must be corrected within a specified period of time, not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the license;
 - (5) And be served upon the owner or their agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or their agent when the inspection report form containing information required by Subsections 2, 3, and 4 above has been completed and signed by the inspecting official and the owner or their agent and a copy thereof has been provided to the owner or their agent.

Sec. 46-366 - Reinstatement of license.

Any person whose license under this chapter has been suspended may at any time make application for a reinspection for the purpose of reinstating the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the license have been corrected, the Health Official shall make a reinspection. If the applicant is complying with the requirements of this chapter and regulations promulgated hereunder, the license shall be reinstated.

Sec. 46-369 - Inspections.

- (a) The operation and facilities of all licensees under this chapter shall be inspected in accordance with He-P2305 as follows:
 - (1) Classes 1A, 1, 2, 3, and 5 - twice every license cycle.
 - (2) Class 6 - once every license cycle.
- (b) The cost of reinspection shall be established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-370 - Approval of plans; fees.

- (A) When a food service establishment is constructed, is remodeled, or changes owners, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout arrangement and construction of materials of work areas, and the location, size, and type of fixed equipment and facilities shall be submitted to the Health Official or their designee for approval before such work is begun.
- (B) Fees for the mandatory food-service plan review and associated inspection(s) are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-371 – Incorporation of the 2022 Food Code.

The following amendments shall apply to the document incorporated:

Delete following subsections:

1-201.10 Food Establishment.

Delete following subsections:

1-201.10 Temporary Food Establishment.

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) Delete

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food, TCS), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) Delete

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) Delete

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

Add new subsection to read as follows:

4-301.13 Drainboards.

Dual drainboards must be integral to warewashing sinks, in addition, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided per necessary UTENSIL holding before cleaning and after SANITIZING.

Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) Delete

(C)(6) Delete

(D) Delete

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, or drawing potable water, wash produce, or thaw foods.

Delete following subsections:

4-603.16 Rinsing Procedures.

(C) Delete

(D) Delete

(E) Delete

Change subsection to read as follows:

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a two-hour interruption of its water supply through:

Change subsections to read as follows:

5-203.11 Handwashing Sinks.

A handwashing sink shall be located within 20 unobstructed feet:

(A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and

(B) In toilet rooms.

Change subsection to read as follows:

6-501.115 Prohibiting Animals.

(A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Delete following subsection:

7-202.12 Conditions of Use.

(A) (2) Delete

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

(D) Change of owner.

Delete Chapter 8:

Those food establishments applying for licensure or that are licensed as a bed and breakfast shall comply with the Food Code. However, the exceptions to the Food Code listed in He-P 2308.02 shall also be exceptions to the Food Code as it applies to bed and breakfasts.

Those food establishments applying for licensure or which are licensed as food processing plants or non-exempt homestead food operations shall be exempt from the requirements of the Food Code and shall comply with the requirements in, He-P 2309 and He-P 2311, respectively.

Repeal and replace the contents of Appendix B, Section 46-363 with the content below:

Appendix B- Fee Schedule

Chapter 46 Licenses and Permits

Sec. 46-363 – Food Service Establishment License Procedure and Fees

License Fees

- (8) Class 1A: Food Service Establishment with 200 seats or more; retail food store with 4 or more food prep areas - \$650
- (9) Class 1: Food Service Establishment with seating capacity 100-199 seats; food service establishment with extensive menus; serve raw ingredients (sushi, oysters, etc.), salad bar and/or food buffet; retail stores with 2 to 3 food preparation areas; nursing homes; hospitals; commercial food processing operations processing more than 100,000 packages of food per year - \$450
- (10) Class 2: Food Service Establishment with 25-99 seats; retail food store with one food prep area; bakeries; food distributors of Time/Temperature Control for Safety (TCS) foods; beverage manufacturers; commissaries; caterer; mobile food unit selling/serving Time/Temperature

Control for Safety (TCS); commercial food processing operations processing less than 100,000 packages of food per year - \$400

- (11) Class 3: Food Service Establishment with 0-24 seats; retail food store-self services and no food prep area; commercial food processing operations of non-Time/Temperature Control for Safety (TCS) bulk foods; bakeries which do not serve Time/Temperature Control for Safety (TCS) food; non- Time/Temperature Control for Safety (TCS) mobile food units; retail markets selling only prepackaged items; bed and breakfast; private clubs; mobile vendors, childcare facilities serving Time/Temperature Control for Safety (TCS); farmers market vendor selling/serving Time/Temperature Control for Safety (TCS) food; Wholesalers/distributors Time/Temperature Control for Safety (TCS) food - \$300
- (12) Class 4: Temporary licenses see Sec. 46-363(e). - Temporary Food Service License Fees - \$75
 - a. Additional \$25 expedite fee for applications received less than 7 days prior to the event.
- (13) Class 5: Public schools; private and parochial schools; not for profit organizations not holding a liquor license; governmental facilities that operate more than 4 times in a 28-day period – No Fee
- (14) Class 6: Sellers of prepackaged frozen USDA meat or poultry; retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items; non-exempt homestead kitchens; arena/theater concessions selling/serving non- Time/Temperature Control for Safety (TCS) food - \$200

Late Fine

- (1) License Renewal Applications received after the 10th day of the month following license date of expiration - \$75

Sec. 46-369 - Inspections.

The cost of reinspection shall be:

- (1) Reinspection fee for failed routine inspection - Classes 1A, 1, and 2 - \$200
- (2) Reinspection fee for failed routine inspection - Class 3 - \$100
- (3) Reinspection fee for failed routine inspection – Class 6 - \$50

Sec. 46-370 - Approval of plans; fees.

Fees for the mandatory food-service plan review and associated inspection(s) are established in accordance with the following schedule:

- a. Major remodeling of existing establishment: \$100
- b. Remodeling of existing establishments limited to equipment change and minor structural modifications: \$50
- c. Floor Plan review for a food establishment changing ownership- \$75
- d. Class 1A new food service establishment - \$200
- e. Class 1 or 2 new food service establishment - \$150
- f. Class 3, 4, 5, or 6 new food service establishment - \$100.

Jay V. Kahn, Mayor

In City Council August 6, 2026.
Referred to the Planning, Licenses
and Development Committee.



Assistant Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 17, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to the Appropriation of funds for the Marlboro Street & Cheshire Rail Trail Improvements Project
Resolution R-2026-40

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-40.

Attachments:

1. R-2026-40 _Referral

Background:

Mr. Ruoff addressed the next item as well. This item relates to a Resolution for appropriations of funds for the Marlboro Street and Cheshire Rail Trail Improvements project.

He explained what was designed and included in the contract documents for bidding, as far as sidewalk removal and replacement and granite curb removal and resetting was not a sufficient to complete all issues discovered during construction.

He stated once Marlboro Street Corridor is completed it will be ADA compliant, which is a requirement of DOT. DOT understands that these additional scope of work is needed for the project and has agreed to pay for their share. This resolution essentially covers the City's match.

The actual change order is approximately \$265,000. The City's 20% match is slightly less than the amount that is being requested but it is to ensure there is sufficient money to complete the project.

The following motion by Councilor Roberts was duly seconded by Councilor Chalice.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-40.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to the Appropriation of funds for the Marlboro Street & Cheshire Rail Trail Improvements Project

Resolved by the City Council of the City of Keene, as follows:

Related to an Appropriation of funds for the Marlboro Street & Cheshire Rail Trail Improvements Project NHDOT#42515 (75J0018B)

WHEREAS, The City has been awarded Federal, Transportation Alternative Project (TAP) funding, administered through NHDOT for the construction of our Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515 (75J0018B); and,

WHEREAS, The funding agreement for the project includes eighty percent (80%) federal funding and a twenty percent (20%) City funding match for the qualifying costs for the projects; and,

WHEREAS, The City is required as part of the project to bring all sidewalks within the project limits in compliance with the applicable City, State and Federal standards; and,

WHEREAS, The City desires to maximize the benefits of this project for the community;

NOW THEREFORE BE IT RESOLVED That the sum of Eight thousand dollars (\$80,000), is hereby appropriated from the unallocated General Fund balance for the purpose of allocating the additional necessary funds, from what has been previously allocated in the CIP to pay for the City's required twenty percent (20%) funding, described in the federal funding agreement, for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515, City of Keene Project#75J0018B.

Jay V. Kahn, Mayor

In City Council August 6, 2026.

Referred to the Finance, Organization and
Personnel Committee.



Assistant Clerk